

GOULD LAW OFFICES

311 GREAT ROAD
P.O. BOX 752
LITTLETON, MA 01460-2752
TELEPHONE (978) 486-9566

SHERRILL R. GOULD, J.D., L.L.M.
ATTORNEY AT LAW

J. SAMATHA GOULD, J.D.
ATTORNEY AT LAW

HON. MORRIS N. GOULD
1918-1987

H. MITCHELL GOULD, ESQ.
1947-1987

CONCENTRATING IN
REAL ESTATE
BUSINESS
ESTATE PLANNING
WILLS & TRUSTS

FACSIMILE: (978) 486-9434

February 15, 2006

Mr. Gary Rhodes, Building Commissioner
Town of Acton
Acton Municipal Building
472 Main Street
Acton, MA 01720

Re: Joseph Pittorino
19 Bulette Road
Acton, Massachusetts

Dear Mr. Rhodes:

Please find enclosed a conceptual plan with brief description for a 3 unit 40B project at 19 Bulette Road, Acton, Massachusetts. I met with you concerning this proposal last week. I also presented it to the Housing Authority and they were generally supportive. Their recommendation was that I forward you a formal letter for you to circulate among Department Heads, specifically Planning Board, Board of Health, Engineering, Conservation, etc.

I also bring to your attention that the primary objection as to shared septic system costs has been addressed. The engineer proposes separate septic systems for each of the three structures. There is sufficient area in the leach field to permit two separate leaching areas with 6 foot separation between the systems, for the newly created homes. Each unit will have its own distribution box, leach area and pump chamber, or other components. There will be modest variances requested. If approved, there will be no cost sharing on any portion of the common areas in this condominium proposal, and each owner will maintain and upkeep his/her own system.

Thank you for your attention to this matter. I will follow up with you in approximately 10 days.

Very truly yours,

DRAFT COVER LETTER FROM DEVELOPER TO SELECTMEN AND DHCD

PROPOSAL FOR LOCAL INITIATIVE 40B PROJECT

This is a proposal for a local initiative 40B project, seeking the support of the Town of Acton Board of Selectmen.

Proposal: The proposal is to subdivide the existing home at 19 Bulette Road, Acton, MA, a 2+/- acre parcel into two 1 acre lots. The Developer would then build two new 3 bedroom 1-1/2 bath detached residential dwelling units on 1 acre, with frontage and access from the cul de sac at Lillian Road. The new units will share a septic system and will be submitted to the condominium statute with each home having an exclusive use area. Each home will have its own access and all utilities, except the shared septic system bed, tank and pump.

Developer: The developer, Triple BBB Construction, is a limited dividend company as required by the statute. The Developer's principal is Joseph Pittorino, who has an extensive building and development experience in his capacity as President and Director of New England Excavating and Development, Inc., as illustrated in his resume attached to the application. The principal, Joseph Pittorino and his wife are the current owners of the property and they will convey to the limited dividend company upon receipt of all approvals. The Developer will use the wholly owned construction business as the builder, with costs commensurate with those common in the region. The sale price for the land and existing house will be established by appraisal.

Affordable Unit: One of the newly created 3 bedroom homes will be offered for sale by lottery as an "affordable unit" as that term is defined by the statute. Preference will be given to municipal employees, teachers and residents of the Town of Acton and their families. The Lottery will be conducted in accordance with a Fair Lottery Plan approved by DHCD. The Unit will receive a condominium dues structure of 1/2 of the market unit. It will be identical in construction to the market unit, except as to any upgrades paid for by the buyer. The affordable unit will be deed restricted in perpetuity.

Property: The property consists of an existing single family home on 81,296 square feet. The property has frontage on Bulette Road and on Lillian Road. The proposal is to create two identical 3 bedroom homes with access from Lillian Road, as shown on the Plan. Lillian Road is a cul de sac of single family homes (approximately 9 existing). The parcel is abutted on one side by Route 2, a state highway running east and west. The property is bounded on the other three sides by Lillian Road, by other land of Developer, and by a single family dwelling, separated by natural vegetation. The property is relatively flat with most of the grade changes and impact from construction dropping off toward Route 2 and other land of Developer. All soil testing, engineering, elevations and proposals for access are shown on the plan. The shared septic system design has been approved by the Board of Health.

Variances: There will be variances requested from the Acton Board of Health for a shared septic system. The design has been approved. There will be a variance request for density and for subdivision of a lot relative to lot size in the zoning district. Two acre zoning is required, one acre zoning is requested. Existing properties are predominantly one acre, per a prior zoning bylaw.

Style of Home: The homes to be constructed will consist of 3 bedroom single family style dwelling units. They will be either split ranch style, cape cod style homes, or small colonials, in keeping with the properties in Lillian Road. The existing home will remain as is and will access from Bulette Road.

Deed Rider: The affordable unit will have a Deed Rider restriction pursuant to the Statute.

Condominium Documents: The Condominium documents will create a common lot for the two new homes with the unit deeds describing exclusive use areas. The Condominium association will be managed by each homeowner having one vote. The only common maintenance and contribution to costs will be the shared septic system and the affordable unit will contribute approximately 1/3 of the maintenance costs with the market unit contributing 2/3. It is anticipated that each unit will carry its own liability insurance.

Projected Building Time: It is anticipated that building permits will be requested for both units as soon as Zoning Board approval for the project is received and the construction will be completed within 8 months of the application date.

Smart Growth: The project meets the Smart Growth criteria in many respects as indicated on the attached evaluation and summary, however, the greatest benefit of this project is that it enables two smaller homes to be built in a neighborhood of similar homes, offering to a buyer who qualifies affordable housing in a middle income neighborhood, with 3 bedrooms for a larger family, on a private lot with low condominium fees, as an alternative to multifamily housing in townhouse configuration with higher monthly costs.

Town Comments: The proposal has been presented to various town boards. There is no objection voiced to the plan. The only areas of concern involve allocating the costs of the shared septic system in a manner equitable to the affordable unit, and providing for drainage and snow removal and retention on the Lillian Road cul de sac, all of which can be accomplished during the engineering and permitting process. The units will be served by Littleton Water Department and it has been determined that the developer can hook up to town water by paying the extension fees and installing a hydrant, providing sufficient pressure and quantity.

Local Initiative Program



Application for Comprehensive Permit Projects

10/1/03



Department of Housing & Community Development
One Congress Street, 10th Floor ~ Boston, MA 02114 ~ 617-727-7765

INSTRUCTIONS

Please submit three copies of the application plus two copies of all drawings. The submittal must include a check for the processing fee, payable to DHCD, for \$1500 per project plus \$20 per unit.

Mail to:
Department of Housing & Community Development
One Congress Street, 10th Floor
Boston, MA 02114
Attn: Office of Sustainable Development

Email to:
marilyn.contreas@ocd.state.ma.us

To fill out the application electronically, simply position your cursor on a line and type. You can use the tab key to move between questions. *Note that for email submissions, signatures and all attachments including payment must be sent separately by regular mail.*

Most questions are self-explanatory. If you need assistance, please contact Marilyn Contreas at 617-727-7001 x 408.

For question 12 on page 5, please provide the general designation of zoning (e.g. residential, business, mixed-use). Do not provide only the specific municipal category (e.g. R-1).

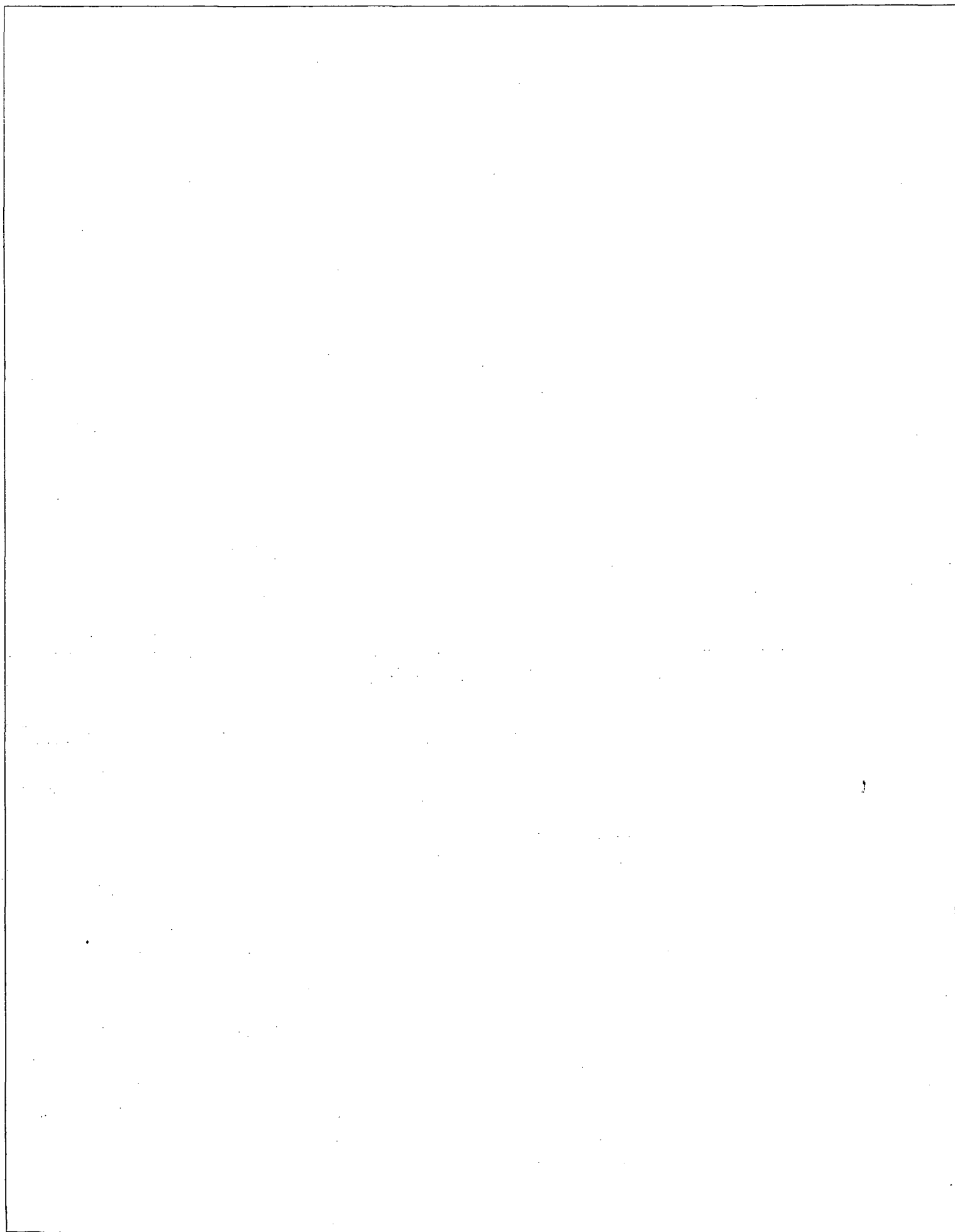
For question 4 on page 6, "affordable units" must be at least 25% of the total and must be affordable to households with incomes at or below 80% of area median. Refer to the Guidelines for more information. "Other units" are those that are made available under special financing or special agreement (e.g. with Section 8 vouchers or through MassHousing programs).

For rental projects, you must use the One Stop Application, available online at <http://www.onestopapp.com/>, instead of Unit Composition (page 8) and Ownership Pro Forma (page 11). Contact DHCD for assistance.

Notes on required attachments (see Checklist, page 17): The letter of interest from a construction lender should be pertinent to the proposed project. The map of the community highlighting the site can be any type of map showing at least major roads. The rationale for the affordable prices should explain your assumptions and what factors you considered.

Application Contents

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Department of Housing & Community Development

Local Initiative Program

Application for Comprehensive Permit Projects

GENERAL INFORMATION

1. Community: Acton, Massachusetts
2. Name of Development: Lillian Road Residences
3. Site Address: 19 Bulette Road, Acton, MA
4. Developer: Triple BBB, LLC
5. Municipal Project Contact: _____
6. Title: _____
7. Address: _____
8. Phone: _____ Fax: _____
10. Email: _____

11. Type of Housing:
- | | |
|---|---|
| <input type="checkbox"/> Fee Simple | <input type="checkbox"/> Rental |
| <input checked="" type="checkbox"/> Condominium | <input type="checkbox"/> Age Restricted |

12. Project Characteristics:
- | | |
|--|--|
| <input checked="" type="checkbox"/> New Construction 2 Units | <input type="checkbox"/> Conversion |
| <input type="checkbox"/> Rehabilitation | <input checked="" type="checkbox"/> Other One Existing |

13. Total Acres : 2± Density of Project (units/acre) 2

14. Are there wetlands on the site? ☐ Yes ☒ No

15. Unit Count:

Total Number of Units 3 Affordable 1 Market 2

16. Unit Prices/Rents:

Market Rate: \$499,000.00 for one new; \$600,000.00 for existing
Affordable: \$160,000.00 for one new

17. Required Signatures:

Chief Elected Official of Municipality

Date

Chairman, Local Housing Partnership
(if applicable)

Date

Municipal Contact Information ~ Other than Project Contact

1. Chief Elected Official

Name Walter Foster, Chairman, Board of Selectmen
Address 472 Main Street, Acton, MA 01720
Phone 978/264-9612 Fax 978/264-9630
Email bos@acton-ma.gov

2. Town Administrator/Manager

Name Don Johnson
Address 472 Main Street, Acton, MA 01720
Phone 978/264-912 Fax 978/264-9630
Email manager@acton-ma.gov

3. City/Town Planner (if any)

Name Roland Bartl
Address 472 Main Street, Acton, MA 01720
Phone 978/264-9636 Fax 978/264-9630
Email planning@acton-ma.gov

4. Chairman, Zoning Board of Appeals

Name John Wagner
Address 472 Main Street, Acton, MA 01720
Phone 978/264-9632 Fax 978/264-9630
Email boa@acton-ma.gov

5. Chairman, Local Housing Partnership (if any)

Name Nancy Tavernier
Address 472 Main Street, Acton, MA 01720
Phone 978/263-9611 Fax 978/264-9630 (town hall)
Email achc@acton-ma.gov

Community Support

1. Letter of Support from Municipality

Attach a letter containing a short narrative on the basics of the project, the history of the project, the ways in which the community is providing support, and how the development team has addressed any concerns the community has. The letter must be signed by the chief elected official of the community.

2. Letter of Support from Local Housing Partnership

If the community has a housing partnership, please attach a letter from them indicating their support for the project. The letter should summarize how the partnership has been working with the developer.

3. Local Contributions

Check off all that apply and provide a brief description at the end.

- ☐ Land donation (dollar value_____)
- ☐ Building donation (dollar value_____)
- ☐ Marketing assistance
- ☐ Other work by local staff
- ☒ Density increase
- ☒ Waiver of permit fees
- ☐ Other regulatory or administrative relief (specify)

- ☐ Local funds (cash)
Amount \$_____
- ☐ Agreement by a lender to provide favorable end-loan financing
(ownership projects only)
- ☐ Other (specify)

Briefly explain the contributions:

This is a small project which developer is seeking to develop under a LIP program. Zoning relief will be requested for density, septic regulations (shared system for two homes) and from subdivision regulations to permit the division of a 2 acre lot into two 1 acre lots to permit the existing structure to be sold independently without any sharing of costs of septic replacement by the new units. Result will be one existing unit with discreet access and septic on Bulette Road and 2 new 3-bedroom homes with access on Lillian Road with a shared septic system.

4. Conformance with Local Plans

If applicable, briefly describe how the project fits with any planning the community has done (e.g. master plan, EO 418 housing strategy or CD Plan, affordable housing plan).

Acton has enacted a housing development production plan. This project is not within one of the target areas for density but this project falls within the plan by creating a single family 3 bedroom home housing alternative for a qualified home buyer to enable a larger family to

acquire Acton housing without being relegated to a multifamily townhouse style project with higher condominium fees. The location also falls within general guidelines of accessibility to major traffic corridors and public transportation.

The Site

1. Site Characteristics

Describe the site and note the presence of any development constraints such as wetlands or ledges. If there are any unusual site conditions, explain them here.

The property consists of an existing single family home on 81,296 square feet. The property has frontage on Bulette Road and on Lillian Road. The proposal is to create two new identical 3 bedroom homes with access from Lillian Road, as shown on the plan (one of which will be affordable). The site is relatively flat sloping gently toward Route 2 in the rear. The septic systems will be only slightly elevated by not more than 3 - 4 feet from Lillian Road, blending in with the existing topography on the side and rear. The site will require some clearing. The Developer will replace those mature shrubs which provide a buffer for the benefit of the abutter.

2. Describe the current and prior uses of the site. If there are any existing buildings, explain what will be done with them.

One existing single family home to remain.

3. Is the site or any building on the site listed, nominated, or eligible for listing on the National or State Register of Historic Places? ☐ Yes ☒ No

4. Is the site located in or adjacent to an historic district? ☐ Yes ☒ No

5. Acreage

Acreage on site	<u>2±</u>
Total buildable acreage	<u>2±</u>

6. Site Control

☐ Developer owns the site. *Attach a copy of the deed.*

☒ Developer holds a Purchase and Sale agreement or option on the site. *Attach a copy of the P&S or option.*

7. Value of Land \$745,000.00 (Existing House and Land)

*Attach verification of the value of the land either through the last arms-length transaction if the transaction occurred within the last three (3) years or through a current appraisal by a licensed appraiser showing the value of the land **under by-right zoning**.*

8. Available Utilities & Infrastructure

<input checked="" type="checkbox"/> Public water	<input type="checkbox"/> Public sewer
<input type="checkbox"/> Private well	<input checked="" type="checkbox"/> Private sewer
<input checked="" type="checkbox"/> Public streets	<input checked="" type="checkbox"/> Septic system
<input type="checkbox"/> Private streets	<input type="checkbox"/> On-site package treatment or alternative

9.

Is the site located near public transit (bus, subway, commuter rail, etc.)? If so, indicate the type, distance to the nearest stop, and frequency of service.

Approximate Distances: 3.3 miles to train (MBTA), 2.3 miles to center, shopping, schools; 2-5 miles to major transportation corridor to work centers. See Smart Growth summary attached.

10.

Describe any known or suspected hazardous waste sites on or within a 1/2 mile radius of the project site. NONE

11. Has a 21E hazardous waste assessment ever been done on this site? If so, attach a summary of the filing.

☐ Yes

☒ No

12. Current Zoning

Zoning classification

residential

Usage allowed

1 single family dwelling

Units per acre allowed

1 per two acres

13. Has the municipality denied a permit on another proposal for this site within the last 12 months?

☐ Yes

☒ No

14. What waivers will you be requesting under the comprehensive permit?

Variance from local Board of Health Regulations to permit one septic system for 2 homes. Board of Health approval has already been obtained. Variances from the zoning by-law as to density. Variance to subdivide parcel into two one acre lots, each having frontage.

Surrounding Neighborhood & Community

1. Describe the land uses in the surrounding neighborhood. Residential single family homes

2. What is the prevailing zoning in the surrounding neighborhood? Residential

3. Describe nearby amenities and services such as shopping or recreation.

Access to major East / West highway. Convenience store shopping within 2 miles. Schools and recreation nearby. Walking distance (2.2 miles) to town center. 3.3 miles to MBTA public transportation to Boston. See Summary attached.

4. Is the site close to other affordable housing units? If so, provide the distance.

Other areas within Action, probably over 5 miles distant.

5.

Explain how developing the site contributes to smart growth development in the area (e.g. mixed use, reuse, concentrated development), if at all.

Please refer to the Smarth Growth Criteria attached.

The Project

1. Type of Project Total number of units
- | | |
|------------|---------------------|
| Fee simple | <u>1</u> (existing) |
| Condo | <u>2</u> |
| Rental | — |
| Other | — |
2. Project Style Total number of units
- | | |
|-------------------------------|----------|
| Detached single-family | <u>3</u> |
| Rowhouse/townhouse | — |
| Duplex | — |
| Multifamily house (3+ family) | — |
| Apartment building | — |
| Other (specify) | — |
3. If there will be multiple buildings, will they follow smart growth design (e.g. cluster)? Explain. _____
4. Unit Mix
- | | Number | Percentage of Total |
|-------------------------------|----------|---------------------|
| Affordable (see Instructions) | <u>1</u> | <u>1/3</u> |
| Market Rate | <u>2</u> | <u>2/3</u> |
| Handicapped Accessible | — | — |
| Other (see Instructions) | — | — |
| Total Units | <u>3</u> | <u>100%</u> |
5. Will the project meet Energy Star Standards? If so, describe.
- New construction will meet energy efficiency standards.
6. Estimate the percentage of the site used for:
- | | |
|------------------------------|----------------------------------|
| Buildings <u>8%</u> | Parking & Paved Areas <u>10%</u> |
| Usable Open Space <u>82%</u> | Unusable Open Space <u>82%</u> |

7. Development Schedule

Complete the chart below by providing the appropriate month and year. Fill in only as many columns as there are phases. If there will be more than three phases, add columns as needed.

	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	Total by type
Number of affordable units	June, 2007 _____	_____	_____	_____
Number of market units	June, 2007 _____	_____	_____	_____
Total by phase	_____	_____	_____	_____

Please complete the following chart with the appropriate projected dates:

All permits granted	<u>2/15/07</u> _____	_____	_____
Construction start	<u>3/15/07</u> _____	_____	_____
Marketing start - affordable units	<u>3/15/07</u> _____	_____	_____
Marketing start - market units	<u>3/15/07</u> _____	_____	_____
Construction completed Phase 1	<u>6/15/07</u> _____	_____	_____
Initial occupancy	<u>6/15/07</u> _____	_____	_____

8. If any public funds will be used to develop this project, please indicate the source, the amount, and the use. N/A

9. Local tax rate per thousand: \$14.58

10. Will all features and amenities available to market buyers also be available to affordable buyers? If not, explain the differences.

Yes as to the 2 new homes. The existing house will not be altered. It contains 4 bedrooms, has its own septic system and access and will have its own 1 acre lot. The new homes will consist of two houses on one lot with individual access but a shared septic system. A condominium form of ownership will provide for sharing maintenance and upgrade costs for the septic system in the ratio of 1/3 for the affordable unit and 2/3 for the market unit. The other amenities such as driveway, electricity, water, heat, etc. will be individually owned and identical for both units.

11. Unit Composition ~ Ownership Projects Only*

Complete the chart below. Include a separate entry for each unit type according to its square footage and/or sales price.

Type of Unit	# of Units	# of Bedrooms	# of Baths	Gross Sq. Ft.	# Parking Spaces	Sales Price	Condo Fee	Handicapped Accessible?
Affordable	1	3	1.5	1800	2-4	\$160,000.	\$35	<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
Market	1	3	1.5	1800	2-4	\$499,000	\$70	<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
Other Existing	1	4	2.5	2500	2-5	\$700,000	0	<input type="checkbox"/>
								<input type="checkbox"/>

*For rental projects, please fill out the Unit Composition section of the One Stop Application. Contact DHCD for assistance.

Design and Construction

1. Drawings

Please submit two copies of all drawings. Preliminary drawings must be stamped and signed by a registered architect or engineer. Drawings should not be larger than 30" x 42" and must be folded into 8 1/2" X 11".

Cover sheet showing written tabulation of:

- ☒ Proposed buildings by design, ownership type, and size
- ☒ Dwelling unit distribution by floor, size, and bedroom/bath number
- ☐ Square footage breakdown of commercial, residential, community, and other usage in the buildings
- ☒ Number of parking spaces

Site plan showing:

- ☒ Lot lines, streets, and existing buildings
- ☒ Proposed building footprint(s), parking (auto and bicycle), and general dimensions
- ☒ Zoning restrictions (i.e. setback requirements, easements, height restrictions, etc).
- ☒ Wetlands, contours, ledge, and other environmental constraints
- ☒ Identification of affordable units
- ☒ Sidewalks and recreational paths
- ☒ Site improvements, including landscaping

Utilities plan showing:

- ☒ Existing and proposed locations and types of sewage, water, drainage facilities, etc.

Graphic depiction of the design showing:

- ☒ Typical building plan
- ☒ Typical unit plan for each unit type with square footage tabulation
- ☒ Elevation, section, perspective, or photograph
- ☒ Typical wall section

2. Construction Information

<u>Foundations</u>	<u># Mkt Units</u>	<u># Affordable Units</u>	<u>Attic</u>	<u># Mkt Units</u>	<u># Affordable Units</u>
Slab on Grade	<u>—</u>	<u>—</u>	Unfinished	<u>—</u>	<u>—</u>
Crawl Space	<u>—</u>	<u>—</u>	Finished	<u>—</u>	<u>—</u>
Full Basement	<u>2</u>	<u>1</u>	Other	<u>—</u>	<u>—</u>
<u>Exterior Finish</u>	<u># Mkt Units</u>	<u># Affordable Units</u>	<u>Parking</u>	<u># Mkt Units</u>	<u># Affordable Units</u>
Wood	<u>2</u>	<u>1</u>	Outdoor	<u>2</u>	<u>2</u>
Vinyl	<u>—</u>	<u>—</u>	Covered	<u>—</u>	<u>—</u>
Brick	<u>—</u>	<u>—</u>	Garage	<u>1</u>	<u>1</u>
Fiber Cement	<u>—</u>	<u>—</u>	Bicycle	<u>—</u>	<u>—</u>
Other	<u>—</u>	<u>—</u>			

Heating System

Fuel: ☐ Oil ☒ Gas ☐ Electric ☐ Other

Distribution method (air, water, steam, etc.): FHA

Energy Efficient Materials

Describe any energy efficient or sustainable materials used in construction: All current energy efficient and energy savings materials will be used including windows, insulation, siding, toilets, burners, water tanks, etc.

Non-Residential Space

Describe any non-residential construction on the site, e.g. office space, clubhouse, commercial space, etc. None

Modular Construction

If modular construction will be used, explain here. N/A

Project Feasibility ~ Ownership Projects*

1. Ownership Pro Forma PLEASE SEE ATTACHED SPREADSHEET

	Total Costs	Per Unit	Per Sq. Ft.	% of Total
(a) Site Acquisition	\$_____	\$_____	\$_____	_____
<u>Hard Costs:</u>				
Earth Work	\$_____	\$_____	\$_____	_____
Site Utilities	\$_____	\$_____	\$_____	_____
Roads & Walks	\$_____	\$_____	\$_____	_____
Site Improvement	\$_____	\$_____	\$_____	_____
Lawns & Planting	\$_____	\$_____	\$_____	_____
Demolition	\$_____	\$_____	\$_____	_____
Unusual Site Cond.	\$_____	\$_____	\$_____	_____
(b) Total Site Work	\$_____	\$_____	\$_____	_____
Concrete	\$_____	\$_____	\$_____	_____
Masonry	\$_____	\$_____	\$_____	_____
Metals	\$_____	\$_____	\$_____	_____
Carpentry	\$_____	\$_____	\$_____	_____
Roofing & Insulation	\$_____	\$_____	\$_____	_____
Doors & Windows	\$_____	\$_____	\$_____	_____
Interior Finishes	\$_____	\$_____	\$_____	_____
Cabinets & Appliances	\$_____	\$_____	\$_____	_____
Plumbing & HVAC	\$_____	\$_____	\$_____	_____
Electrical	\$_____	\$_____	\$_____	_____
(c) Total Construction	\$_____	\$_____	\$_____	_____
(d) General Conditions	\$_____	\$_____	\$_____	_____
(e) Subtotal Hard Costs (a+b+c+d)	\$_____	\$_____	\$_____	_____
(f) Contingency	\$_____	\$_____	\$_____	_____
(g) Total Hard Costs (e+f)	\$_____	\$_____	\$_____	_____
<u>Soft Costs:</u>				
Permits/Surveys	\$_____	\$_____	\$_____	_____
Architectural	\$_____	\$_____	\$_____	_____
Engineering	\$_____	\$_____	\$_____	_____
Legal	\$_____	\$_____	\$_____	_____
Bond Premium	\$_____	\$_____	\$_____	_____
Real Estate Taxes	\$_____	\$_____	\$_____	_____
Insurance	\$_____	\$_____	\$_____	_____
Security	\$_____	\$_____	\$_____	_____
Developer's Overhead	\$_____	\$_____	\$_____	_____
General Contractor's Overhead	\$_____	\$_____	\$_____	_____
Construction Manager	\$_____	\$_____	\$_____	_____
Property Manager	\$_____	\$_____	\$_____	_____
Construction Interest	\$_____	\$_____	\$_____	_____
Financing/Application Fees	\$_____	\$_____	\$_____	_____
Utilities	\$_____	\$_____	\$_____	_____

SEE ATTACHED SPREAD SHEET

*For Rental Projects, fill out the Pro Forma from the One Stop Application.

Maintenance (unsold units)	\$ _____	\$ _____	\$ _____	_____
Accounting	\$ _____	\$ _____	\$ _____	_____
Marketing	\$ _____	\$ _____	\$ _____	_____
(h) Subtotal Soft Costs	\$ _____	\$ _____	\$ _____	_____
(i) Contingency	\$ _____	\$ _____	\$ _____	_____
(j) Total Soft Costs (h+i)	\$ _____	\$ _____	\$ _____	_____
(k) Total Development Costs (g+j)	\$ _____	\$ _____	\$ _____	_____

2. Profit Analysis *(should conform to the pro forma)*

Sources:

Affordable projected sales	\$ _____
Market sales	\$ _____
Public grants	\$ _____
(A) Total Sources	\$ _____

Uses:

Construction Contract Amount	\$ _____
(B) Total Development Costs	\$ _____

Profit:

(C) Total Profit (A-B)	\$ _____
(D) Percentage Profit (C/B)	\$ _____

3. Cost Analysis *(should conform to the pro forma)*

Total Gross Building Square Footage	_____
Residential Construction Cost per Sq. Ft.	\$ _____
Total Hard Costs per Sq. Ft.	\$ _____
Total Development Costs per Sq. Ft.	\$ _____
Sales per Sq. Ft.	\$ _____
<i>(do not include proceeds from public grants)</i>	

SEE ATTACHED SPREAD SHEET

Ownership Pro Forma	Total Costs	Per New Unit	Per Old Unit
(a) Site Acquisition	\$745,000.00	70000	605,000.00
Hard Costs			
Earth Work	40000	20000	0
Site Utilities	10000	5000	
Roads & Walks	10000	5000	
Site Improvement			
Lawns & Planting	8000	4000	
Demolition			
Unusual Site Cond.	1000	500	
(b) Total Site Work	69000	34500	0
Concrete	20000	10000	
Masonry	5000	2500	
Metals	5000	2500	
Carpentry	22000	11000	
Lumber, roofing, insulation	40000	20000	
Doors & Windows	40000	20000	
Interior Finishes	30000	15000	
Cabinets & Appliances	20000	10000	
Plumbing & HVAC	32000	16000	
Electrical	28000	14000	
© Total Construction	242000	121000	
(d) General Conditions			
(e) Subtotal Hard Costs	311000	155500	
(f) Contingency	20000	10000	
Total Hard Costs	331000		
Soft Costs			
Permits/Surveys	12000		
Architectural	2500		
Engineering	6000		
Legal	15000		
Bond Premium			
Real Estate Taxes	10000		
Insurance	3000		
Security	2000		
Developer's Overhead	7500		
General Contractor's Overhead	5000		
Construction Manager			
Property Manager			
Construction Interest	10000		
Construction application fees	4000		
Utilities			
Maintenance (unsold units)			
Accounting	4000		
Marketing	63000		
(h) Subtotal Soft Costs	140000		
(i) Contingency			
(j) Total Soft Costs	140000		
(k) Total Development Costs	471000		
Total Development and Acquisition	1216000		
SALES REVENUE			
1 Affordable		\$160,000.00	
1 Market		\$499,000.00	
1 Market		\$700,000.00	
TOTAL REVENUE		\$1,359,000.00	
PROFIT	\$143,000.00		
PERCENTAGE PROFIT OVER COSTS	11.75%		

The Development Team ~ Contact Information and Experience

1. Developer

Name TRIPLE BBB, LLC
Address 215 Harwood Avenue, Littleton, MA 01460
Phone 978-423-6560 Fax _____
Email _____ Tax ID # 76-0831789

2. Contractor/Builder

Name New England Excavating and Development, Inc.
Address 215 Harwood Avenue, Littleton, Ma 01460
Phone 978-423-6566 Fax _____
Email _____ Tax ID # _____

3. Architect/Engineer

☐ LEED certified?

Name Andrew P. Martino, Engineering Consultant
Address 12 Corliss Road, Windham, NH 03087
Phone 603-548-2849 Fax _____
Email Andrewpmartino@adelphia.net Tax ID # _____

4. Attorney

Name Sherrill R. Gould
Address GOULD LAW OFFICES, 311 Great Road, P.O. Box 752, Littleton, MA 01460
Phone 978/486-9566 Fax 978/486-09434
Email sherryesq@yahoo.com Tax ID # 04-2805036

5. Marketing Agent (if more than one, attach a separate sheet)

Name Possibly Coldwell Banker - undecided as of now.
Address _____
Phone _____ Fax _____
Email _____ Tax ID # _____

6. Consultant

Name NA
Address _____
Phone _____ Fax _____
Email _____ Tax ID # _____

7. Team Experience -- The Developer and Contractor

Complete the charts on the following pages for all housing projects undertaken by the developer and the contractor during the past three years. Include projects currently in construction. Provide owner references for each project, including a current phone number.

SEE ATTACHED SUMMARY SHEETS - THE DEVELOPER IS A NEWLY FORMED ENTITY,
BUT THE CONTRACTING TEAM HAS EXPERIENCE AS SET FORTH ON THE ATTACHED
SHEETS.

New England Excavating and Development, Inc.

215 Harwood Avenue
Littleton, MA 01460
(978) 423-6560

Residential Projects

Acton, Massachusetts

1 Maillet Drive	2400 SQ FT
19 Bulette Road	3000 SQ FT
13 Lillian Road	2400 SQ FT

Littleton, Massachusetts

207 Harwood Avenue	2000 SQ FT
215 Harwood Avenue	10000 SQ FT

New England Excavating and Development, Inc.

215 Harwood Avenue
Littleton, MA 01460
(978) 423-6560

Jobs Completed

Town of Pepperell	Water Mains	\$400,000.00
Southboro Housing Authority	Sewerage Disposal System	\$150,000.00
Town of Grafton	Water Main Distribution System	\$300,000.00
Town of Bedford	Water Main Distribution & Computer Control Station	\$1,000,000.00
Town of Provincetown	Landfill Closure Phase I	\$450,000.00
Town of Provincetown	Landfill Closure Phase II	\$800,000.00
Lisa Lane, Acton, MA	Subdivision	\$200,000.00
Bellantoni Drive, Acton MA	Subdivision	\$100,000.00
Garland Rd, Lincoln MA	Subdivision	\$400,000.00

New England Excavating and Development, Inc.

215 Harwood Avenue
Littleton, MA 01460
(978) 423-6560

References

Steve Desey
Acton Public School Department
978-264-4700

Doug Halley
Town of Acton- Board of Health
978-264-9634

Todd Mancuso
Town of Concord-Water Department
978-318-3062

Bob McGinty
Linbrook Properties
781-953-7789

Albert & Anita Ellis
OHC Development Corp.
978-486-0016

DEVELOPER'S EXPERIENCE

Project Name	Location	Number of Units	Subsidy Program	Type of Construction	Sales or Rental	Total Development Cost	Date of Completion	Reference: Name & Phone
N/A PLEASE REFER TO ATTACHED								

GOULD LAW OFFICES
311 GREAT ROAD
P.O. Box 752
LITTLETON, MASSACHUSETTS 01460-2752

TELEPHONE: 978-486-9566 TELECOPIER: 978-486-9498

Sherrill R. Gould
Attorney At Law

March 16, 2006

VIA FAX 263-1408

Ms. Nancy Tavernier
Acton Housing Authority

RE: 19 Bulette Road

Dear Nancy:

I am enclosing for your file a copy of my letter to Gary Rhodes and his response for our discussion on April 6, 2006.

If you have any questions, please feel free to contact me.

Very truly yours,
GOULD LAW OFFICES
Sherrill R. Gould

SRG:mew
enc.

GOULD LAW OFFICES

311 GREAT ROAD
P.O. BOX 752
LITTLETON, MA 01460-2752
TELEPHONE (978) 486-9566

SHERRILL R. GOULD, J.D., L.L.M.
ATTORNEY AT LAW

J. SAMATHA GOULD, J.D.
ATTORNEY AT LAW

HON. MORRIS N. GOULD
1918-1987

H. MITCHELL GOULD, ESQ.
1947-1987

CONCENTRATING IN
REAL ESTATE
BUSINESS
ESTATE PLANNING
WILLS & TRUSTS

FACSIMILE: (978) 486-9434

February 15, 2006

Mr. Gary Rhodes, Building Commissioner
Town of Acton
Acton Municipal Building
472 Main Street
Acton, MA 01720

Re: Joseph Pittorino
19 Bulette Road
Acton, Massachusetts

Dear Mr. Rhodes:

Please find enclosed a conceptual plan with brief description for a 3 unit 40B project at 19 Bulette Road, Acton, Massachusetts. I met with you concerning this proposal last week. I also presented it to the Housing Authority and they were generally supportive. Their recommendation was that I forward you a formal letter for you to circulate among Department Heads, specifically Planning Board, Board of Health, Engineering, Conservation, etc.

I also bring to your attention that the primary objection as to shared septic system costs has been addressed. The engineer proposes separate septic systems for each of the three structures. There is sufficient area in the leach field to permit two separate leaching areas with 6 foot separation between the systems, for the newly created homes. Each unit will have its own distribution box, leach area and pump chamber, or other components. There will be modest variances requested. If approved, there will be no cost sharing on any portion of the common areas in this condominium proposal, and each owner will maintain and upkeep his/her own system.

Thank you for your attention to this matter. I will follow up with you in approximately 10 days.

Very truly yours,

PROPOSAL FOR LOCAL INITIATIVE 40B PROJECT

This is a proposal for a local initiative 40B project, seeking the support of the Town of Acton Board of Selectmen.

Proposal: The proposal is to create a condominium project of 3 distinct single family dwelling units on the property located at 19 Bulette Road, Acton, Massachusetts. The land will be submitted to the condominium statute and each home will have an exclusive use area. Each home will have its own access and all utilities, including septic systems. The developer will create the project using a limited dividend company as required by the statute. One of the newly created 3 bedroom homes will be offered to sale by lottery as an "affordable unit" as that term is defined by the statute.

Property: The property consists of an existing single family home on 81,296 square feet. The property has frontage on Bulette Road and on Lillian Road. The proposal is to create two identical 3 bedroom homes with access from Lillian Road, as shown on the Plan. The soil testing, engineering, elevations and proposal for access are shown on the plan.

Variances: There will be variances requested from the Acton Board of Health for separation between leaching trench sidewalls and to use upgrade regulations for the systems. There will be variances requested from the zoning by-law as to density.

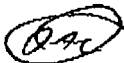
Style of Home: The homes to be constructed will consist of 3 bedroom single family style dwelling units. They will be either split ranch style or cape cod style homes, in keeping with the properties in Lillian Road. The existing home will remain as is and will access from Bulette Road.

Deed Rider: The affordable unit will have a Deed Rider restriction pursuant to the Statute.

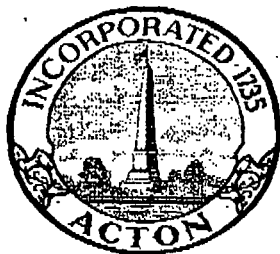
Condominium Documents: The Condominium documents will create a common lot for the project with the unit deeds describing exclusive use areas. The Condominium association will be managed by each homeowner having one vote. The only common maintenance and contribution to costs will be a small portion of shared driveway area on Lillian Road. It is anticipated that each unit will carry its own liability insurance.

Projected Building Time: It is anticipated that building permits will be requested for both units as soon as Zoning Board approval for the project is received and the construction will be completed within 8 months of the application date.

ACTON MUNICIPAL PROPERTIES DEPARTMENT**INTERDEPARTMENTAL COMMUNICATION**

To: Garry Rhodes, Building Commissioner **Date:** 2/17/06
From: Dean A. Charter, Tree Warden 
Subject: Review of 19 Bulette Road 40B application

I have reviewed the plans submitted and visited the site of the above noted proposed 40B development. None of the work proposed will impact the Public Shade Trees on Lillian Road or Bulette Road. My only recommendation is that some sort of screening vegetation should be installed along the property line to shield the neighbor to the north of the site on Lillian Road.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Garry Rhodes, Building Commissioner

Date: February 27, 2006

From: Engineering Department

Subject: Preliminary 40B application 19 Bulette Road

We have the following preliminary comments regarding the above mentioned plan dated January 10, 2006:

1. The new shared access on Lillian Road and the driveway extension for unit #1 are shown in close proximity to the existing drill holes in the stone wall along the northerly property line adjacent to the land owned by Lee. There should be some notes requiring any survey monuments along the property lines to be clearly marked and protected in the field prior to the start of construction. The note should also state that if any of these monuments are damaged or destroyed during construction that the applicant will hire a registered land surveyor to reset and certify the new location(s).
2. We are concerned about the location of the new driveway for unit #2 being shown very close to the turnaround for Lillian Road. We would prefer that the new driveway be relocated in order to maximize the snow storage area between the turnaround and the new driveway.
3. The contractor will be required to apply for a Permit to Construct within a Public Way for the work shown in the right of way for Lillian Road.
4. We want to make sure that the new driveway for unit #1 is constructed in a manner that would not obstruct the existing overland drainage for the land on the uphill side of this project.
5. The runoff from Lillian Road drains overland from the end of the turnaround towards Route 2. When the definitive plans are created the engineer will need to ensure that this project will not interfere with Lillian Road.
6. We want to make sure that the existing gas main along the property line with Route 2 is clearly marked in the field prior to any construction in order to avoid any possible accidents while excavating the site. It is my understanding that this gas main is a high-pressure main used for

the transmission of natural gas through the region.

7. When the definitive construction plans are submitted to the Town we will conduct a more comprehensive review of the post development drainage design, impacts to groundwater recharge, construction details, etc...

GOULD LAW OFFICES

311 GREAT ROAD
P.O. BOX 752
LITTLETON, MA 01460-2752
TELEPHONE (978) 486-9566

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1947-1987

CONCENTRATING IN
REAL ESTATE
BUSINESS
ESTATE PLANNING
WILLS & TRUSTS

FACSIMILE: (978) 486-9434

July 19, 2006

Denied: BOS
9/25/06

Mr. Donald Johnson
Town Manager
Town of Acton
Acton, Massachusetts

Re: 3 Unit 40B Project, 19 Bulette Road/Lillian Road, Acton, Massachusetts

Dear Mr. Johnson:

As discussed yesterday, it would be appreciated if I could be on the agenda before the Board of Selectmen for an informational meeting regarding my client's proposal for a 40B project consisting of the existing home at 19 Bulette Road and the creation of two additional single family homes to be accessed from the cul de sac at Lillian Road. Each new home will have 3 bedrooms and be serviced by its own septic system. One new home will be deed restricted as affordable. We are hoping to present the project as a LIP. The Housing Committee has expressed support for the project and the various town boards have commented favorably.

I am enclosing the letter to Mr. Rhodes, a general description of the project, the developer and the plans, a site plan with elevations and comments received back from the Boards. The style of house and plans are also enclosed.

Thank you for your cooperation.

Very truly yours,


SHERRILL R. GOULD

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

Fax (978) 264-9630

August 4, 2006

Dear Resident:

The Acton Community Housing Corporation (ACHC) invites you to a Public Information Meeting to be held on Tuesday, August 22 at 7:30PM in the Faulkner Meeting Room in Town Hall. The ACHC is a Selectmen-appointed board charged with facilitating affordable housing opportunities for low and moderate-income families.

The purpose of this Information Meeting is to present preliminary plans for Lillian Road Residences, which is proposed to be a three unit 40B development located at 19 Bulette Rd. This development includes the existing home at 19 Bulette and two new single family homes on Lillian Rd. One of the units will be sold to a family with a household income at 80% of the area median income (2006: \$66,150) and will be counted toward the Town's goal of 10% Affordable Housing.

Abutters, town board members, and the general public are invited to attend the meeting to receive information from the developer. Sherrill Gould and Joseph Pittorino will display the site plan, architectural renderings of the buildings, floor plans, and answer questions from the attendees.

This meeting is an early step in the process for the development to seek initial support from the Board of Selectmen and the Acton Community Housing Corporation and ultimately a comprehensive permit from the Zoning Board of Appeals.

The ACHC hopes residents will take this opportunity to become informed about this development and to participate in the deliberative process as Lillian Road Residences winds its way through the Town permitting process. If you have any questions, please feel free to contact me or ACHC at achc@acton-ma.gov.

Nancy E. Tavernier, Chair
Acton Community Housing Corporation
978-263-9611

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

TO: Board of Selectmen
FROM: Nancy Tavernier, Chair
SUBJECT: Lillian Road Residences LIP application
DATE: September 21, 2006

The ACHC has voted to approve the proposed LIP 40B project, Lillian Road Residences and urges the Board of Selectmen to support it also. This project will add two new 3-BR single family homes to the Town's housing stock, one affordable and one market. We find this proposal to be very different from any the Town has dealt with previously. We have been working with the developer off and on for 2 years. Our initial caution focused on the ownership structure since two new units would be added to an existing house lot, the existing house will remain, and will be included in the 40B. Given the most recent 40B's that have included the demolition of existing houses, we were pleased to see the existing house would remain. The condominium ownership issues were resolved by the developer's attorney. Our concerns about the septic system design and joint ownership of it by the two new units have been addressed and the design has received Board of Health approval.

We began to review this proposal long before the new Comprehensive Permit Policy was adopted by the Selectmen and the Planning Board. While this location is not one of the preferred ones spelled out in the policy, this is a very small scale project with a design that is consistent with that of the existing houses in the neighborhood. The existing houses on Lillian Road are small single family homes, in ranch and Cape designs. The new units will be located at the end of a cul de sac at the low end of the street. The location abuts Route 2 but the units are considerably up hill from it and heavy vegetation buffers the highway noise during the growing season.

An appealing aspect of the proposal is that the density, at approximately 2 units per acre, is consistent with the lot size on Lillian Rd. although the zoning has been changed to 2 acre zoning since these homes were originally built. This proposed density is not out of line with the neighborhood. The most redeeming feature is the single family home design. The last single family home affordable development we had was in 1999. Since then we have acquired one small existing home but all the rest of the affordable units have been townhouses or duplexes. There is something very special about owning your own yard and having your own space to care for. We recently did a survey of our existing mailing list and more than 50% of them wished for a single family home. 35% of our waiting list consists of households of 4 or more, they would be given preference for this 3-BR unit.

We appreciate the patience of the development team for Lillian Road Residences as ACHC carefully considered every aspect of the proposal. Under LIP, the Board of Selectmen and the ACHC share the initial local approval responsibility and both must sign the application before it can be filed with the DHCD. ACHC has voted to do that. The developers will continue to meet with other boards once the application is signed and the project is a reality. They are still required to file for a comprehensive permit through the ZBA which will be done just as soon as the DHCD grants approval. At that time, all the town boards will be solicited for official comments and public hearings will be held. In ACHC's opinion, the reward for any developer's willingness to use LIP should be an expedited process and we are hopeful that sufficient groundwork has been laid to allow that to happen. This is less costly to all involved.

The ACHC held an information session on the proposal that was well attended by residents from Lillian Rd. and Bulette Rd. We also discussed the proposal at two subsequent ACHC meetings where the neighbors were given ample time to state their concerns and ask questions of the developer. The main neighborhood concern is run-off and drainage; these concerns need to be addressed in the more comprehensive engineering that takes place for the ZBA application. This development will not increase run-off but there is an existing problem in the neighborhood. Because Lillian Rd. slopes down to the cul de sac and does not have a storm drain system in place, all of the runoff from the uphill section of the neighborhood flows to the bottom of the hill and then either goes down the driveway of an existing home that is lower than the cul de sac or goes over the parcel proposed for development to a retention area on state owned land that ultimately drains downhill to Rt. 2. This existing problem could be mitigated by the developer to some extent. He has offered to allow a drainage easement to improve the situation for the downhill resident. It is possible that their drainage concerns might be resolved by the attention given as a result of this proposal. It is also possible the proposed drainage system for the development may improve the overall groundwater and run-off flow in the area. There are no wetlands on site.

Throughout the discussions, Mr. Pittorino has offered to work with his neighbors to mitigate their concerns. Other concerns focus on the vegetative buffer between the parcel and the abutter and also the placement of a hydrant in the cul de sac. The developer has stated his willingness to solve these problems.

The ACHC is committed to the provision of affordable housing but only if it does not sacrifice the environment, health, or safety of the Town. We are comfortable with this proposal and urge the Selectmen to endorse Lillian Road Residences by authorizing the Chairman to sign the application.

Thank you for your continued leadership and support for affordable housing.

4/06

LOT #3 - PROPOSED 3 BEDROOM DUPLEX
DWELLING UNIT (APPROXIMATELY 1,800 SF.)

— PROP. WATER
SPRING

19 BULETTE ROAD
EXISTING 5 BEDROOM
SINGLE FAMILY DWELLING
TO REMAIN IN EXISTING CONDITION

LOT B
01,295± 5M

226.80 EAST. PROPERTY LINE

PROPOSAL FOR LOCAL INITIATIVE 40B PROJECT

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Variances: There will be variances requested from the Acton Board of Health for separation between leaching trench sidewalls and to use upgrade regulations for the systems. There will be variances requested from the zoning by-law as to density.

Style of Home: The homes to be constructed will consist of 3 bedroom single family style dwelling units. They will be either split ranch style or cape cod style homes, in keeping with the properties in Lillian Road. The existing home will remain as is and will access from Bulette Road.

Deed Rider: The affordable unit will have a Deed Rider restriction pursuant to the Statute.

Condominium Documents: The Condominium documents will create a common lot for the project with the unit deeds describing exclusive use areas. The Condominium association will be managed by each homeowner having one vote. The only common maintenance and contribution to costs will be a small portion of shared driveway area on Lillian Road. It is anticipated that each unit will carry its own liability insurance.

Projected Building Time: It is anticipated that building permits will be requested for both units as soon as Zoning Board approval for the project is received and the construction will be completed within 8 months of the application date.



Architectural Asphalt Shingles

Vinyl Siding

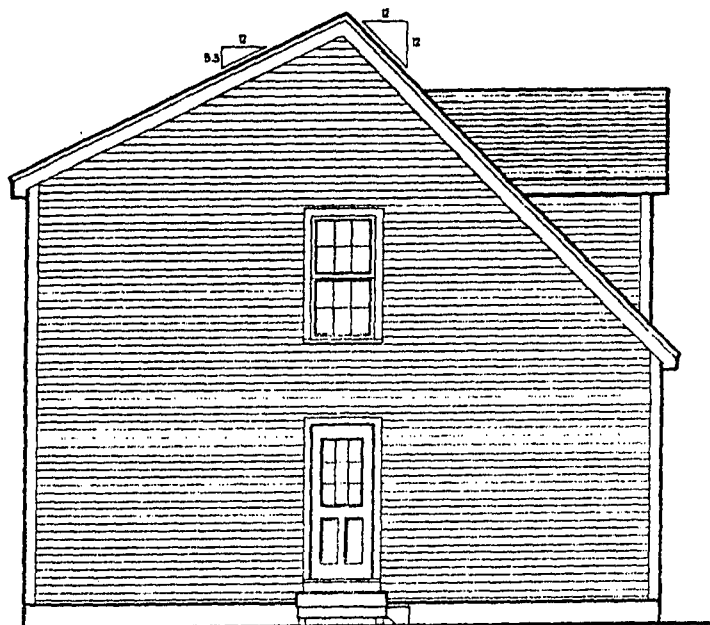
REAR ELEVATION

JOE PITTERINO

I**NTEGRITY DESIGN**

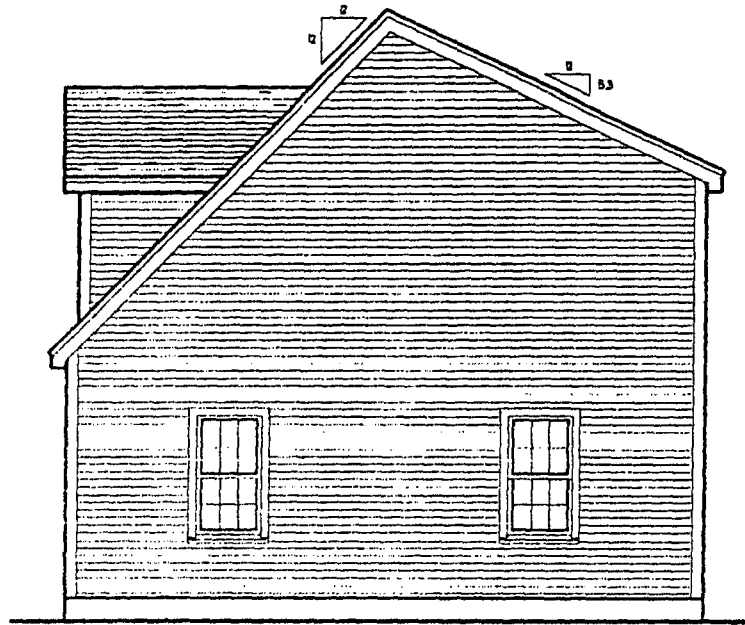
498 GREAT ROAD ACTON, MA 01720 978-264-0657

SCALE 1/4" = 1'-0"	FRONT & REAR ELEVATION	LILLIAN RD. ACTON, MA.
DATE: 4 / 15 / 06		
DRAWN BY: DP23-2		



8'-0"
 TOP OF SECOND FLOOR PLATE
 1'-0"
 TOP OF SUBFLOOR
 8'-0"
 TOP OF FIRST FLOOR PLATE
 1'-0"
 TOP OF SUBFLOOR
 9'-0"
 TOP OF FOUNDATION
 3'-0"
 TOP OF FOOTING

LEFT ELEVATION



8'-0"
 TOP OF SECOND FLOOR PLATE
 1'-0"
 TOP OF SUBFLOOR
 8'-0"
 TOP OF FIRST FLOOR PLATE
 1'-0"
 TOP OF SUBFLOOR
 9'-0"
 TOP OF FOUNDATION
 3'-0"
 TOP OF FOOTING

RIGHT ELEVATION

JOE PITTERINO

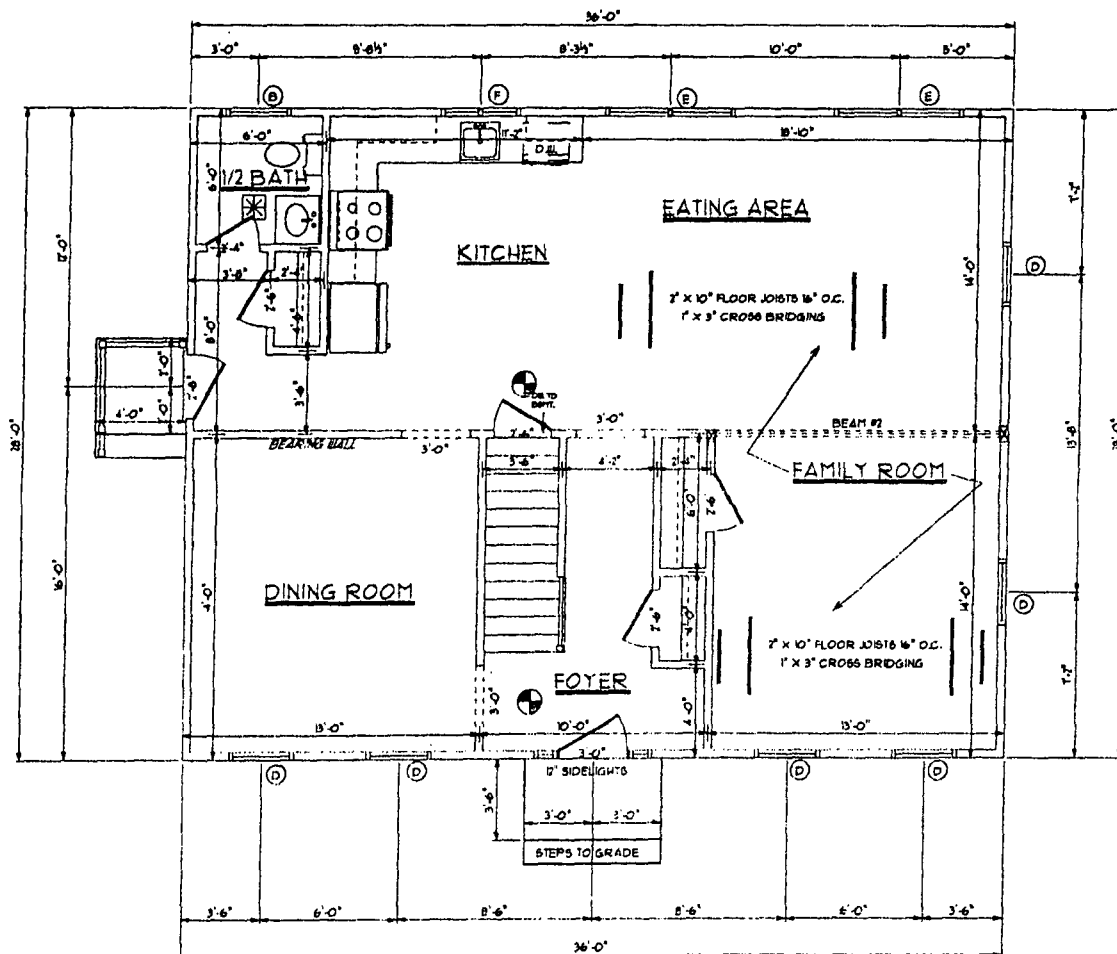
INTEGRITY DESIGN

498 GREAT ROAD ACTON, MA 01720 978-264-0657

SCALE: 1/4" = 1'-0"
 DATE: 4/15/08
 DRAWN BY: DM3-S-2

LEFT & RIGHT ELEVATIONS

ACTON, MA.



FIRST FLOOR PLAN

LIVING SPACE 1008 SQ'

NOTES:

AT LEAST ONE OPENABLE WINDOW
IN EACH BEDROOM TO MEET
EGRESS SIZE OF 20' X 24" IN
EITHER DIRECTION PER CMR 3603.10.4



EXHAUST FAN

ALL BATHROOMS TO BE
EQUIPPED WITH A EXHAUST FAN TO
TO COMPLY WITH CMR 1205.21
50 CFM - OPERATED INTERMITTENTLY



SMOKE DETECTOR

-ALL UNITS HARD WIRED WITH BATTERY STAND BY POWER
-ONE EACH IN ALL BEDROOMS
-IN THE IMMEDIATE VICINITY OF BEDROOMS
-IN BASEMENT
-ONE EACH MIN PER 1200 SQ'
-PHOTO ELECTRIC TYPE IF WITHIN 20' OF
KITCHEN OR BATHROOM THAT HAS TUB OR SHOWER
PER CMR 3603.16.1, 3606.16.10 AND 3603.16.11

JOISTS FRAMED INTO FLUSH
FRAMED BEAMS REQUIRE
MATCHING SIZED JOIST HANGERS

NOTE: ALL FLUSH FRAMED BEAMS REQUIRE
JOIST HANGERS FOR ANY ATTACHED JOISTS

EXTERIOR WINDOW DIMENSIONS
ARE ROUGH OPENINGS, INTERIOR AND
EXTERIOR DOORS ARE DOOR SIZES

WALLS ARE DIMENSIONED FROM OUTSIDE OF
EXTERIOR PARTITION TO CENTER OF
INTERIOR PARTITION.

JOE PITTERINO

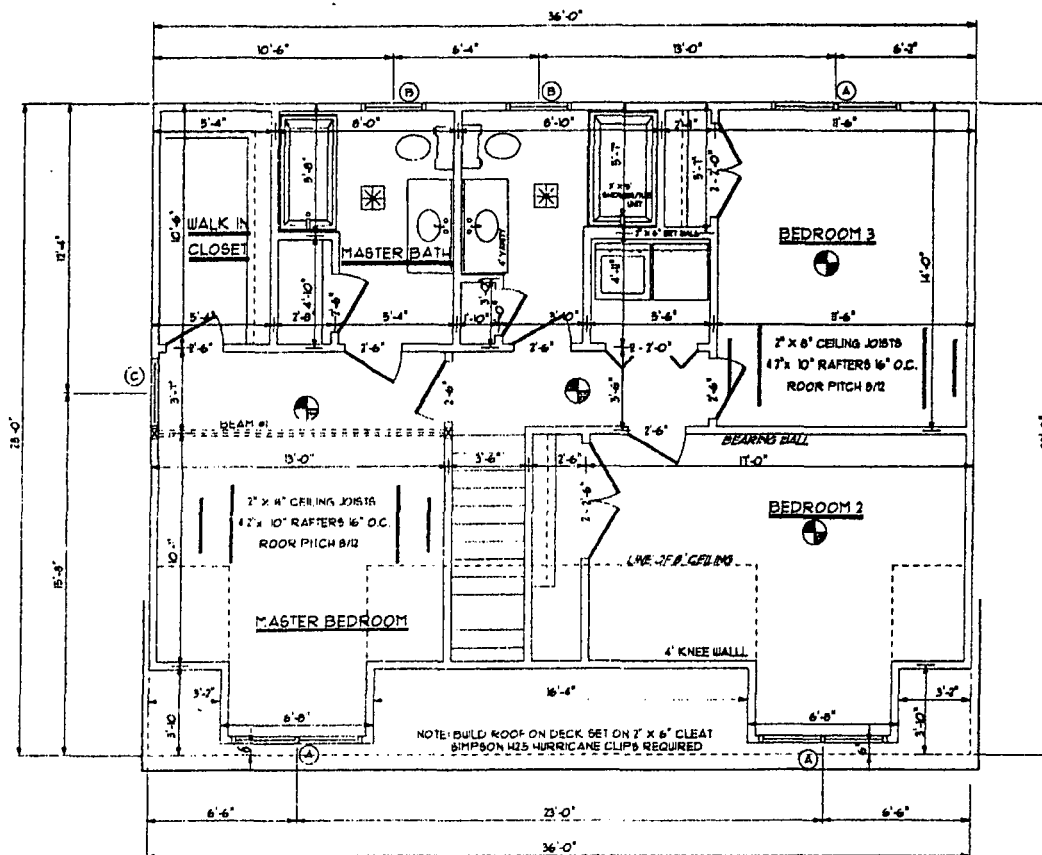
INTEGRITY DESIGN

498 GREAT ROAD ACTON, MA 01720 978-264-0657

SCALE: 1/8" = 1'-0"
DATE: 4/18/06
DRAWN BY: DM2-2

FIRST FLOOR PLAN

ULLIAN RD.
ACTON, MA.



SECOND FLOOR PLAN

LIVING SPACE 904 SQ'

NOTES:

AT LEAST ONE OPENABLE WINDOW
IN EACH BEDROOM TO MEET
EGRESS SIZE OF 20" X 24" IN
EITHER DIRECTION PER CMR 3603.10.4

✱ EXHAUST FAN

ALL BATHROOMS TO BE
EQUIPPED WITH A EXHAUST FAN TO
TO COMPLY WITH CMR 1205.21
50 CFM - OPERATED INTERMITTENTLY

⊕ SMOKE DETECTOR

-ALL UNITS HARD WIRED WITH BATTERY STAND BY POWER
-ONE EACH IN ALL BEDROOMS
-IN THE IMMEDIATE VICINITY OF BEDROOMS
-IN BASEMENT
-ONE EACH MIN PER 1200 SQ'
-PHOTO ELECTRIC TYPE IF WITHIN 20' OF
KITCHEN OR BATHROOM THAT HAS TUB OR SHOWER
PER CMR 3603.16.1, 3606.16.10 AND 3603.16.11

JOISTS FRAMED INTO FLUSH
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NOTE: ALL FLUSH FRAMED BEAMS REQUIRE
JOIST HANGERS FOR ANY ATTACHED JOISTS

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ARE ROUGH OPENINGS, INTERIOR AND
EXTERIOR DOORS ARE DOOR SIZES

WALLS ARE DIMENSIONED FROM OUTSIDE OF
EXTERIOR PARTITION TO CENTER OF
INTERIOR PARTITION.

Every attempt has been made to insure that these
drawings meet all state and local codes. The contractor
shall verify all structural components and verify all
elevations & dimensions in the field. Once construction
has begun, Integrity Design will not assume any liability
for omissions, changes or errors of any type.

JOE PITTERINO

INTEGRITY DESIGN

498 GREAT ROAD ACTON, MA 01720

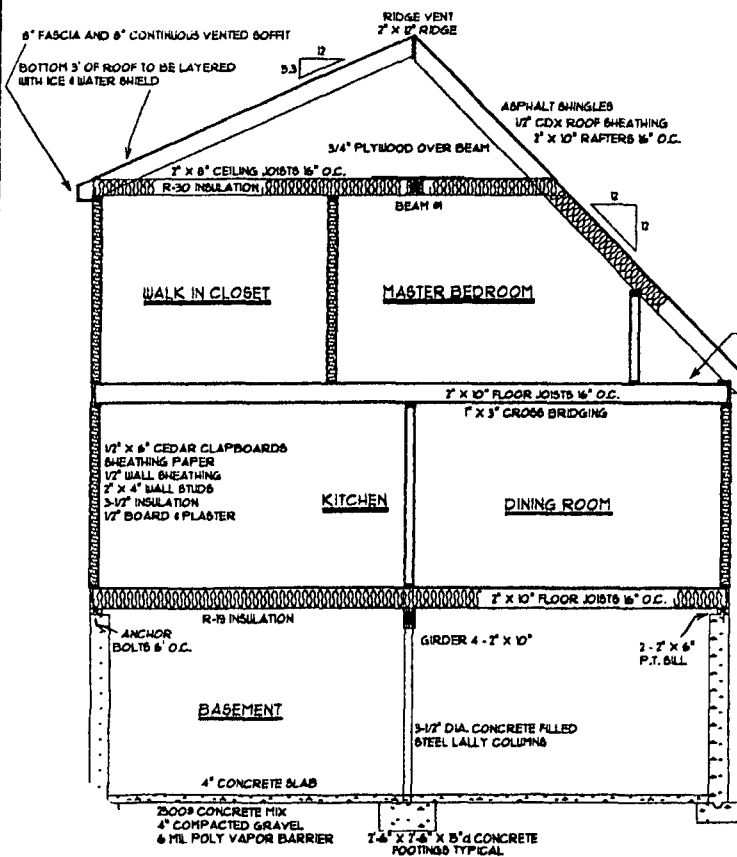
978-264-0657

SCALE: 1/4" = 1'-0"
DATE: 4/19/06
DRAWN BY: DM2-S-2

SECOND FLOOR PLAN

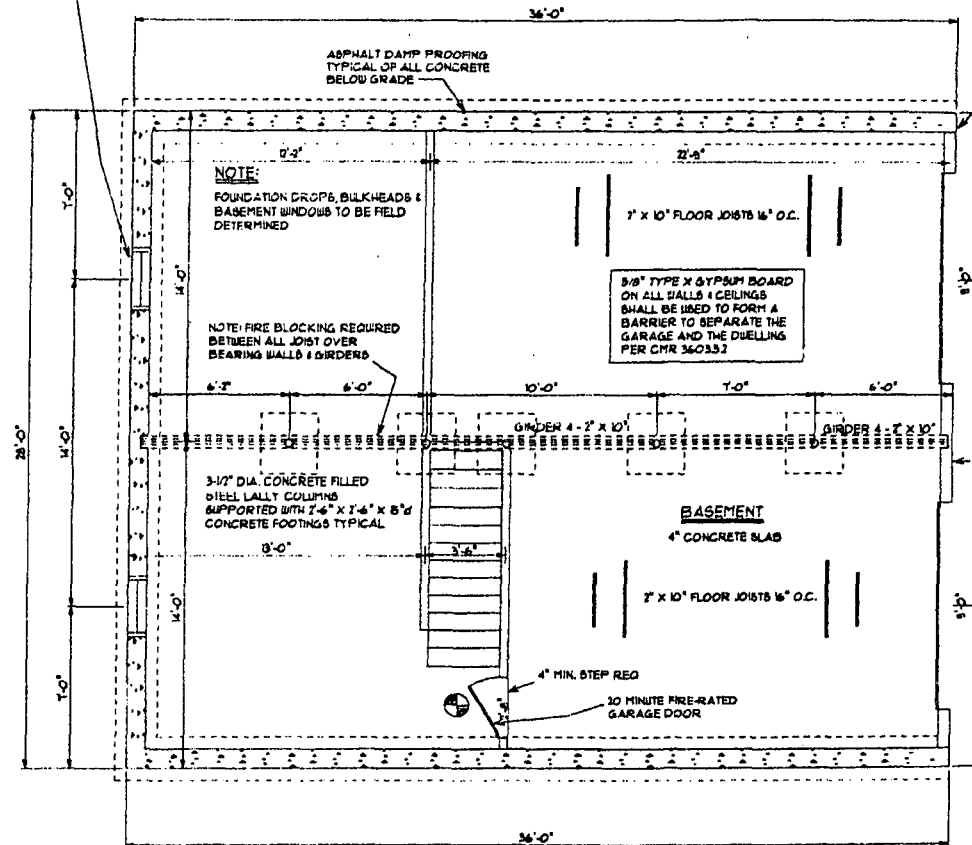
LILIAN ROAD
ACTON, MA

CROSS SECTION



TOP OF SECOND FLOOR PLATE
8'-0"
NOTE: BUILD ROOF ON DECK SET ON 2' x 6" CLEAT
HURRICANE CLIPS REQUIRED
TOP OF SUBFLOOR
TOP OF FIRST FLOOR PLATE
8'-0"
TOP OF SUBFLOOR
TOP OF FOUNDATION
8'-0"
ASPHALT DAMP PROOFING TYPICAL OF ALL CONCRETE BELOW GRADE
TOP OF FOOTING

ANDERSEN 2813 (2'-8-5/8" x 1'-3-1/4" R.O.)
BASEMENT WINDOWS TYPICAL



FOUNDATION PLAN

NOTE: ALL FOOTINGS TO BE 2' WIDE X 10" DEEP
CONTINUOUS FOUR CONCRETE WITH 2' x 4" KEY
FOUNDATION WALLS TO BE 10" WIDE EXCEPT
WHERE OTHERWISE NOTED

JOE PITTERIN

INTEGRITY DE

498 GREAT ROAD ACTON, MA 01720

SCALE 1/4" = 1'-0"
DATE 4/19/06
DRAWN BY: DM12-5-2

FOUNDATION &
CROSS SECTION

PROPOSAL FOR LOCAL INITIATIVE 40B PROJECT

This is a proposal for a local initiative 40B project, seeking the support of the Town of Acton Board of Selectmen.

Proposal: The proposal is to create a condominium project of 3 distinct single family dwelling units on the property located at 19 Bulette Road, Acton, Massachusetts. The land will be submitted to the condominium statute and each home will have an exclusive use area. Each home will have its own access and all utilities, including septic systems. The developer will create the project using a limited dividend company as required by the statute. One of the newly created 3 bedroom homes will be offered to sale by lottery as an "affordable unit" as that term is defined by the statute.

Property: The property consists of an existing single family home on 81,296 square feet. The property has frontage on Bulette Road and on Lillian Road. The proposal is to create two identical 3 bedroom homes with access from Lillian Road, as shown on the Plan. The soil testing, engineering, elevations and proposal for access are shown on the plan.

Variances: There will be variances requested from the Acton Board of Health for separation between leaching trench sidewalls and to use upgrade regulations for the systems. There will be variances requested from the zoning by-law as to density.

Style of Home: The homes to be constructed will consist of 3 bedroom single family style dwelling units. They will be either split ranch style or cape cod style homes, in keeping with the properties in Lillian Road. The existing home will remain as is and will access from Bulette Road.

Deed Rider: The affordable unit will have a Deed Rider restriction pursuant to the Statute.

Condominium Documents: The Condominium documents will create a common lot for the project with the unit deeds describing exclusive use areas. The Condominium association will be managed by each homeowner having one vote. The only common maintenance and contribution to costs will be a small portion of shared driveway area on Lillian Road. It is anticipated that each unit will carry its own liability insurance.

Projected Building Time: It is anticipated that building permits will be requested for both units as soon as Zoning Board approval for the project is received and the construction will be completed within 8 months of the application date.

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

TO: Board of Selectmen
FROM: Nancy Tavernier, Chair
SUBJECT: Lillian Road Residences LIP application
DATE: September 21, 2006

The ACHC has voted to approve the proposed LIP 40B project, Lillian Road Residences and urges the Board of Selectmen to support it also. This project will add two new 3-BR single family homes to the Town's housing stock, one affordable and one market. We find this proposal to be very different from any the Town has dealt with previously. We have been working with the developer off and on for 2 years. Our initial caution focused on the ownership structure since two new units would be added to an existing house lot, the existing house will remain, and will be included in the 40B. Given the most recent 40B's that have included the demolition of existing houses, we were pleased to see the existing house would remain. The condominium ownership issues were resolved by the developer's attorney. Our concerns about the septic system design and joint ownership of it by the two new units have been addressed and the design has received Board of Health approval.

We began to review this proposal long before the new Comprehensive Permit Policy was adopted by the Selectmen and the Planning Board. While this location is not one of the preferred ones spelled out in the policy, this is a very small scale project with a design that is consistent with that of the existing houses in the neighborhood. The existing houses on Lillian Road are small single family homes, in ranch and Cape designs. The new units will be located at the end of a cul de sac at the low end of the street. The location abuts Route 2 but the units are considerably up hill from it and heavy vegetation buffers the highway noise during the growing season.

An appealing aspect of the proposal is that the density, at approximately 2 units per acre, is consistent with the lot size on Lillian Rd. although the zoning has been changed to 2 acre zoning since these homes were originally built. This proposed density is not out of line with the neighborhood. The most redeeming feature is the single family home design. The last single family home affordable development we had was in 1999. Since then we have acquired one small existing home but all the rest of the affordable units have been townhouses or duplexes. There is something very special about owning your own yard and having your own space to care for. We recently did a survey of our existing mailing list and more than 50% of them wished for a single family home. 35% of our waiting list consists of households of 4 or more, they would be given preference for this 3-BR unit.

We appreciate the patience of the development team for Lillian Road Residences as ACHC carefully considered every aspect of the proposal. Under LIP, the Board of Selectmen and the ACHC share the initial local approval responsibility and both must sign the application before it can be filed with the DHCD. ACHC has voted to do that. The developers will continue to meet with other boards once the application is signed and the project is a reality. They are still required to file for a comprehensive permit through the ZBA which will be done just as soon as the DHCD grants approval. At that time, all the town boards will be solicited for official comments and public hearings will be held. In ACHC's opinion, the reward for any developer's willingness to use LIP should be an expedited process and we are hopeful that sufficient groundwork has been laid to allow that to happen. This is less costly to all involved.

The ACHC held an information session on the proposal that was well attended by residents from Lillian Rd. and Bulette Rd. We also discussed the proposal at two subsequent ACHC meetings where the neighbors were given ample time to state their concerns and ask questions of the developer. The main neighborhood concern is run-off and drainage; these concerns need to be addressed in the more comprehensive engineering that takes place for the ZBA application. This development will not increase run-off but there is an existing problem in the neighborhood. Because Lillian Rd. slopes down to the cul de sac and does not have a storm drain system in place, all of the runoff from the uphill section of the neighborhood flows to the bottom of the hill and then either goes down the driveway of an existing home that is lower than the cul de sac or goes over the parcel proposed for development to a retention area on state owned land that ultimately drains downhill to Rt. 2. This existing problem could be mitigated by the developer to some extent. He has offered to allow a drainage easement to improve the situation for the downhill resident. It is possible that their drainage concerns might be resolved by the attention given as a result of this proposal. It is also possible the proposed drainage system for the development may improve the overall groundwater and run-off flow in the area. There are no wetlands on site.

Throughout the discussions, Mr. Pittorino has offered to work with his neighbors to mitigate their concerns. Other concerns focus on the vegetative buffer between the parcel and the abutter and also the placement of a hydrant in the cul de sac. The developer has stated his willingness to solve these problems.

The ACHC is committed to the provision of affordable housing but only if it does not sacrifice the environment, health, or safety of the Town. We are comfortable with this proposal and urge the Selectmen to endorse Lillian Road Residences by authorizing the Chairman to sign the application.

Thank you for your continued leadership and support for affordable housing.

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

September 25, 2006

**High School Library
7:00 P.M.**

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton, Dore' Hunter.
The Assistant Town Manager was present. The meeting was televised.

CITIZENS' CONCERNS

Ann Chang spoke about the Moving of the polling locations noting that it is a disincentive to vote. She felt that the Blanchard School was not a good location, and it ruined the precinct concept.

Walter asked if there were anyway to reverse it. John said that all things were printed perhaps we could do it at the next election. March is the next election.

Dore' noted the pressure to get it out of the schools. He felt that this meeting place doesn't work he would be happy to go back to the original locations.

Allen Nitschelm, 9 Marian Road, Representing Finance Committee asked about the Fire Overtime overview of policies, had they looked into these issues? He asked about the Policy for Fire Department sick time. He noted that we should be reviewing this at the 6 month period as planned. Walter will present the findings to the entire Fincom including all the Fire issues in the next two weeks.

Allen asked about Unfunded Pension Policies. Walter noted we belong to the Middlesex Retirement group. We have been involved in law suits to get the pension issues straightened out. We lost 40 Million Dollars. We have been trying to alert others to this problem.

John Murray is on the MMA working on reforms to the pension system. Walter noted that a number of candidates for Governor have raised these issues during this race.

SEWER COMMISSIONERS' BUSINESS

None

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – None

ACTON WINE & SPIRIT COMPANY – Steve Zeitler spoke about a question on the ballot that would allow stores that sell food the ability to sell Wine which is on the Ballot. He asked the Board to vote no on question one. The Police Chief is against this because of enforcement issues. Stop and Shop is spear-heading this legislation. Dore' noted that it will be an enforcement issue.

Peter asked for a the sense of the Board to opposing this legislation. We don't usually take positions on ballot questions. He suggested we may want to do this. Dore' did not know if the Board should take a position. Andy agreed with Dore' with enforcement and other issues. The Board agreed to not take a position and leave it up to the voters, noting that it would cost more for the Town to enforce if it went through. Lauren thanked them for bringing this issue forward and she will look into this further.

VERIZON CABLE TV SERVICE LICENSE HEARING – John said that negotiations are ongoing and asked for a continuation to a Special Meeting on Tuesday, October 3, at 7:30 p.m. and asked the Asst. will book a room and put it on the Web. DORE' HUNTER -Moved to hold a Special meeting, 7:30 Oct 3, in the Memorial Library on Verizon License. ANDREW MAGEE, Second. UNANIMOUS VOTE

MINUTEMAN VOCATIONAL TECHNICAL SCHOOL – CAPITAL PLAN – Mr. Markum spoke about the need to review statutes that may need to be adopted. These are mostly housekeeping. They completed a large fiscal audit which brought them to light and the Statute requires the 16 towns to sign off on these revolving accounts. They have a revolving account for the food service program, they are self funded. They also have hair salon, automotive and auto body. They need to keep the income raised through services separate. Those accounts are allowed to exist beyond a fiscal year. They are asking the Board to endorse the committee to maintain the revolving accounts. Peter asked about the annual report and asked that we get one going forward. DORE' HUNTER – Moved to hereby approve the action of the Minuteman Regional School Committee in its acceptance of provisions of MGL Chapter 74 Section 14B with regard to reauthorization of vocational technical program revolving funds held by the Minuteman Regional Vocational Technical School District. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE.

The Capital plan is still in its infancy and they are working at pulling together a structure to sit and help them ascertain the future of the School. They will be looking at it from top to bottom. Mr. Markum noted we wouldn't see anything or report for at least two fiscal years. They have not put pens to paper or dollars the facility demands are many as the building opened in 1974, so the school is worn.

SITE DEVELOPMENT PLAN 7/11/06-409, 288 MAIN STREET, EDWARD BRAVO (CONTINUED FROM SEPT. 11) – The applicant has asked for more time to review questions. WALTER FOSTER - Moved to continued to October 16 at 7:15 - DORE' HUNTER - second UNAIMOUS VOTE

SITE DEVELOPMENT PLAN #07/06/06-408, 124 MAIN STREET, FRANK CHEN – Mr. Chen's consultant gave an overview of the issues surrounding this plan. They have worked with Garry Rhodes and he is presenting the reworked plan. They are adding 10 parking spots and will beautify this location; they want to save the tree. He noted review by Garry Rhodes and the need to address these issues. Mr. Chen is using the shed now and thought it was his right to use it. The sidewalk will be limited pavement, they do exist currently. They have shown pea stone, however it is not ADA Compliant. Mr. Chen suggested a wooden ramp. HDC has been working with them and they will continue to work with them.

Lauren thanked Mr. Chen for his efforts to redevelop the area and said that as we go forward it is important they keep in contact with the HDC. She asked about the sidewalk plan and HDC asked that the retaining wall be field stone and that the guard rails be wood beam. There are legal concerns about the property lines and the use of the shed. She asked if Counsel could review this. She asked Brian Bendig about HDC guidance on the raised pavement and landscape strip. She asked for HDC suggestions. HDC did not think the brick planter was historically appropriate. They see the seating area as aesthetic.

Peter was concerned about the shed use by Mr. Chen; it needs to be resolved who owns the shed. Garry is suggesting it be demolished and needs recommendation on what is to be done. The shed is used for storage space for the shop. They need the shed for storage and would like to continue to use it. Peter suggested we lease to Mr. Chen the shed for \$1.00 per year. It was noted that we do not set a precedent in this case. Dore' agreed it is to be referred to Counsel to work out as this is not part of the site plan. Dore' noted the survey and actions to clean up the deed error should be handled. Andy noted that we work with the applicant to address these issues. There is enough land to accommodate the sewer station maintenance area and the shed. LAUREN ROSENZWEIG – Moved to take under advisement. ANDREW MAGEE, second. UNANIMOUS VOTE.

ENTERTAINMENT LICENSE, 124 MAIN STREET, FRANK CHEN – Mr. Chen talked about creating an environment for music; students could play on weekends under the tree. The Board noted Garry Rhodes comments and suggested that they get one day license each time in order not to violate the zoning bylaw. Peter and Dore' thought this was a good idea. Dore' suggested he contact Garry and the Police Chief. It was noted that his \$50.00 fee be returned as the Town does not charge for one day entertainment permits.

COMPREHENSIVE PERMIT (40B) LIP, 19 BULETTE ROAD, JOSEPH PITTORINO – Atty. Sheryl Gould gave an overview of the proposal of dividing the existing lot into two and the two proposed units will share a septic system. Mr. Pittorino owns the property with the house on it already as well as the land to site the new homes. One of the units will become an affordable lottery home, and will pay 1/3 of the septic system maintenance and the Market price unit will be paying 2/3 on the septic. She noted that it is quite wooded on the property. Lillian Road homes are mostly ranches and small capes and there are nine families living on Lillian. They propose two split entry design, they moved toward a ranch style. They want to have a build out of 120 days and this proposal also incorporates Smart Growth. The homes will be at the end of the Lillian Cul-de-sac.

The Town of Littleton will provide the water and a hydrant. Drainage is a primary concern. It is the opinion of the engineer that there will be no run off, it will be controlled on site, and will not add any further water concerns.

They have not had other comments except that they address the possible run off and snow containment/storage.

Lauren questioned the septic system. It is a higher quality installation. She asked about taking down of trees on the site, with Route 2 and noise concerns. None of the forested area will be cut down. The proposed drive way will run over the utility easement. She asked if this has been before the Planning Board. Attorney Gould noted she spoke with Roland and he said he reviewed the project and had no questions or concerns.

Andy too liked the unit plan and he visited the site and he felt they could be worked out.

Dore' noted the ACHC letter talking about drainage; this could be mitigated by the developer to some extent. The engineer explained the drainage issues on the other side of the cul-de-sac that experiences run off down a Lillian Road resident's driveway. This is not part of the projects scope. They do have a pond to control the runoff and they will put a vegetated swale and could tie in to their drainage and eliminate some of the Bulette Road water issues. The Board suggested they widen the swale.

Peter noted some issues that needed to be resolved until he could approve and he had questions about the affordable housing issue. He also asked about the septic issue of shared system. The Board of Health wanted them to share the 6 bedroom system. He also noted the pro forma spread sheet. The existing home is \$745,000. Sherry Gould feels that they will need an updated appraisal to reflect the market. Nancy Tavernier noted the policy has been worked on for the past two years. ACHC stands on its memo and recommendation, the redeeming policy is the one family home that makes it special.

Mrs. Lee 12 Lillian Road noted that they have drainage problems in that area already. She spoke about the trees to be removed. She was concerned about the development

Rick Gentilman, 5 Lillian spoke about the subdivided lot and estimate will leave ½ for two houses. They also looked at the application and noted inconsistency for Smart Growth; he noted that they only had two or three items applicable under Smart Growth.

Eleanor Gentilman, 5 Lillian spoke about affordable housing and their issues with the site.

Christine, 22 Bulette and spoke about the drainage and the driveway and asked if this was going to make things better.

David Lee 12 Lillian Road – Questioned the house already constructed.

Charles Davis, Bulette Road – He feels it gives a family the ability to down size; they will have to build a drainage area. Mr. Davis feels these homes are in the wrong location.

The Board will be asked to sign a letter of support for the applicant. Peter is not prepared to act tonight and would like to see more of the Pro forma. He would like to continue to work with the developer.

Dore' felt the same way as Peter; he was concerned about the water problem.

Andy spoke about friendly vs. unfriendly 40B LIP. He feels the drainage is very solvable. It needs to be made friendly and gain some support of the neighbors.

Lauren noted that this project was prepared before the Comprehensive Policy was approved.

SITE PLAN 02/19/03-388, POWDER MILL ROAD, AUTOPLEX REALTY - Andy spoke about the site plan Orders of Conditions that have a different layout that is before us now. He noted the concept of the fence and trying to come to a place for the applicant go forward with his vision and retain green space. The applicant has changed the fence location and has also put pavement areas and gravel walk ways. A bond of \$5,000 could be put in place.

Nylen, Attorney for Mr. Bertolami agreed to Andy's comments and if they are unable to change the location with DEP and Cons Com it will have to relocate to the original location. An occupancy permit needs to be obtained before site usage. They would prefer to have a bond on condition four (3). They have no problem with how it has been written. Peter asked about the cost to comply with 2 or 3. In the event Cons Com denial, it will cost several thousand to move the fence and gravel.

Lauren asked John about cash bond vs. cash, ease of recovery is the issue. We do like cash and will keep the passbook and urged that the Board ask for cash, but allow all interest and income on it to go to Mr. Bertolomi. They restrict the account so that John is the only one who can withdrawal funds.

WALTER FOSTER – MOVED to adopt condition with language of cash instead of bond and revise paragraph 4. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

BOSTON EDISON VERIZON JOINT POLE LOCATION HEARING (CONTINUED FROM SEPT. 11) John suggested that they discuss this Tuesday. Dore' noted we have already voted with conditions. John said that they will meet all conditions. ANDREW MAGEE – Moved to approve. PETER ASHTON – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

FLAG LOWERING POLICY- John was asked to give the Board of the Selectmen an overview. Dore' noted that he could better review as he was the one that asked that Board to review the request. Jim Ettwine and Dick Krug were present to discuss their request. They want to have someone you can call to have the flag lowered in the center. Concord has the Funeral Director make the call to lower the flag. Dore' felt it was something we should do and to have the policy prepared to address this. Andy asked about residents, former residents, would it be for Veterans' being interned here in Acton on the day of internment. Flags to be lowered are at the Center Monument, Town Hall and Cemetery. Staff to obtain a copy of Concord's Policy and prepare one for Acton's use.

SUBURBAN MOBILITY DRAFT GRANT LETTER OF INTEREST- Lauren updated the Board on the possibility of getting a shuttle which will address getting people to the train station, reverse commute, school aged children to be picked up and households with older people that may need this type of transportation. Dore' noted that this is an excellent idea. Staff was asked to prepare the letter for signature.

QUARRY ROAD ACCESS EASEMENT AGREEMENT- REVISITATION OF YIN AND CREIGHTON PEET'S PROPERTY AT QUARRY ROAD. The Peet's have a legal right to pass over town property. They have come to agreement with the Peet's the size of the access has allowed the Town to take water from the quarry for NARA recharge. The Town can pass over the Peet property for land we are looking at buying. PETER ASHTON – Moved to approve. DORE' HUNTER – second. UNANIMOUS VOTE. Andy thinks that this easement exists already and it crosses over our property and other owner's property. They have an easement across this land and that we are getting something out of it. We could have gotten more if Town Meeting had more faith. John asked that Don be allowed to wrap it up with the Peet's regarding the three issues. If they are significant changes the Board will discuss on Tuesday.

HOLLOW BONES SACRED ORDER, WILLIAM CADY- Fee Waiver Request for concert at NARA. PETER ASHTON - Moved to approve. DORE' HUNTER – second. John asked that any out of our pocket expenses not be waived and the Bond be provided by Mr. Cady. The Motion was changed to reflect the concerns of the Assistant Town Manager.

OTHER BUSINESS

Walter Foster asked to speak about Mr. Sawyer's sun setting from the Board of Appeals. Mr. Sawyer will serve out the term until the 40 B Blanchard Place is closed and completed. WALTER FOSTER - Moved that Mr. Sawyer be reappointed to finish out the Blanchard Place 40 B. retroactive to August, 2006. .DORE' HUNTER – second, UNANIMOUS VOTE

Walter Foster updated the Board on the Morrison Farm Committee and that they will be finishing up on Wednesday.

Lauren noted her attendance at the Crown Resistance and how nice a time she had.

Dore' noted that Crosby Corner has slipped to 2009 and Route 2 Circle should have a consultant hired by now. They will start the 25% Design.

Peter asked to have a State of the Town Meeting discussion included on the October 16 Board Meeting, and to further discuss possibility of having other items besides the Capital Plan on the agenda for the STM.

Peter asked about the status of our new hires.

CONSENT AGENDA

Lauren asked that the decision on site plan for McDonalds Item 16 to be held for discussion.

PETER ASHTON – Moved to approve the Consent Agenda with the exception of Lauren's concern. DORE' HUNTER – second. UNANIMOUS VOTE. Lauren asked about car lights and screening headlights. The Board said that it will require a review of the building and lighting. DORE' HUNTER – Moved to approve the draft decision. PETER ASHTON – second, UNANIMOUS VOTE with Selectmen Foster noting that he was abstaining as he was not present at the hearing.

TOWN MANAGER'S REPORT

None

EXECUTIVE SESSION

Lauren Moved to go in to Executive Session to discuss real property and strategy in litigation. Roll was taken All Ayes.

—

Recording Secretary

Clerk, Board of Selectmen

Date:

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

May 6, 2010

Michael Busby
40B Project Coordinator
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: The Residences at Lillian Road, Acton MA

Dear Mr. Busby,

The Acton Community Housing Corporation (ACHC) is the town board charged with facilitating affordable housing in the Town of Acton. This quasi-public body is a Selectmen-appointed board, created by a Home Rule petition in 1996. The role of the ACHC is to act as the Town's initial contact with developers of proposed affordable residential housing projects, which may be site-specific or exploratory. The developer normally presents to us a proposed housing plan, indicating unit design and size, related facilities, site planning and affordability and we work with him to shape the proposal to meet our community goals.

In 2006, the ACHC worked with the owner of this property to develop a conceptual plan for two single family homes that was compatible with the neighborhood density. However, the Board of Selectmen did not sign the application for the DHCD LIP (friendly 40B) project. They had concerns about the remote location of the development and significant drainage and high groundwater issues in this neighborhood, concerns raised by the abutters.

In October 2009, ACHC was contacted by Dan Campbell of Level Design Group, engineer for the property owner, to bring forth a revision of the original project. We were surprised to see a doubling of the density, four single family homes placed on one half of the 1.9 acre parcel. ACHC invited the abutters to hear the presentation. This resulted in many concerns being raised, some of them significant legal and design issues. Since October 2009, ACHC has not heard anything about this new proposal until the MHFA letter arrived in the Town on March 31, 2010. This development is called Residents at Lillian Road. ACHC did not receive a copy of the application or the site plans until after the April 14 site walk was conducted by you. The developer's name is also new to us, David Nyberg. He has never attended an ACHC meeting to present his proposal.

The Town of Acton has been very supportive of ACHC's work in facilitating the creation of affordable housing units in the town. We have worked with private developers on over fourteen 40B projects in

the town and have constructed one of our own. The vast majority of them have been DHCD LIP projects, our preferred development option. This MassHousing project, The Residences at Lillian Road, has presented credibility challenges that have placed both the ACHC and the Board of Selectmen in a position that makes our job of supporting affordable housing more difficult.

When a developer files a proposal for a 40B, we expect them to adhere to the 40B rules. The process must begin with filing a copy of a completed application with the Town and ACHC. After the Town made repeated requests for the application from October to April, none was provided until April 14. We have never experienced that before and consider it to be a serious deficiency in the application process. Once the application was received, it was apparent that many sections were incomplete and inaccurate. In this time of heightened criticism of the 40B law, any developer that leaves out required information or provides incorrect information in an application should be called to task. Failing to respond to the Zoning section is a case in point. The original DHCD LIP application back in 2006 was also deficient. ACHC required a new filing of the application making the requested corrections and additions. We would expect nothing less of MassHousing.

The ACHC is very disappointed to have the original density plan increased from 2 to 4 units. We supported the 2 single family homes in 2006 because we felt they would fit into the neighborhood setting. We believe the current proposed density is inconsistent with the neighborhood; the houses are too large, out of scale, and too close together. The layout is unattractive and there are a number of site plan and environmental issues. The following is a list of the major concerns we have identified.

- **Five units not four.** This 1.9 acre parcel, located at 19 Bulette and Lillian Roads, contains an existing 5-BR single family home on half of the parcel. The zoning in this area is Residence 8 or one house per 80,000 square feet. The developer's assertion that the parcel can be subdivided and the house legally placed on one acre is not true; such a variance has never been issued in this town and will not be for this development. This single family home cannot sit on its own parcel but must be included as part of the whole 40B development. **Therefore, this development is a five unit project**, consisting of four new units and one existing. Two of the units must be designated as affordable, and not just one. This is a major error and it must be corrected before MassHousing issues a letter of site approval.
- **Two bedroom affordable unit.** Once the town received a copy of the Application, ACHC was surprised to see that the affordable unit was proposed to be a two-bedroom unit while all market units were three-bedroom. We are not opposed to a diversity of unit sizes in a development, and think it is beneficial for the town to have a mix of household sizes, but we do strongly object to the affordable unit's being the only unit that is smaller. That seems to violate the intent of the 40B regulations.
- **Affordable unit sales price.** The application Pro Forma lists the selling price of the two-bedroom affordable unit as \$210,000. That price is well over the permissible limit. In the first place, the full cost of the affordable unit includes a realtor commission of \$10,400, although no commission is allowed on an affordable unit. Using current interest rates, a 5% down payment and the current tax rate of \$17.13, the allowable sales price for a household of three living in a 2-BR unit is \$170,000. That adjustment needs to be made on the income side of the pro forma.
- **Financial planning needed for septic system.** Four units will be sharing the condominium septic system, one of which will be affordable. The condo association could face a significant financial burden of repair or replacement unless the developer funds a financial instrument (such as a bond) that will allow the association to contribute from their fees over time with the goal of having the cost of system replacement be accrued in 25-30 years.

- **Stormwater drainage.** There is a major concern in the neighborhood about stormwater runoff that the developer has not addressed sufficiently. The neighborhood is built on a drumlin and all water flows down hill to this site. No stormwater drainage system is proposed; there will be roof drains for the four new houses but it is not clear where they will direct the water. Even in the wake of the significant flooding in the neighborhood during the recent heavy rain storms no drainage plan was submitted and we were informed none would be provided.
- **Parking and garage access is limited.** According to the site plans, very tight turns into the garages would be required. Parking on the cul-de-sac would inhibit emergency access and school buses. The Fire Chief would likely not approve parking in that area.
- **Driveway issues.** The driveway on the site plan has problems on both access points. In one case, the driveway comes too close to the abutting property. On the other side, the driveway is shown as located on privately owned property, there is no easement for this driveway.
- **Survey.** There is no survey of the property included in the site plan and given the concerns about the boundaries with the abutting properties and the Route 2 layout, a survey should be requested by MassHousing. Those boundaries need to be delineated so no encroachment is allowed.
- **Layout.** The line-up of the houses around the leaching field is unattractive.
- **Stretch Code.** An energy efficiency “Stretch Code” has been newly adopted by the Town and as part of the building code, it will apply to this project.

We thank you for giving the Town an extended comment period due to the late notification of the project. We continue to believe two new construction units would be most consistent with the neighborhood density and design. Two new units and the existing house would create a three-unit 40B project with one affordable unit. Most if not all of our concerns would be mitigated if only two new units were constructed.

We expect this development to receive the same scrutiny as all other developments in Acton have been subjected to. Requiring a complete and accurate application should be the first step in the approval process.

Sincerely,

Nancy E. Tavernier, Chair
Acton Community Housing Corporation

Cc Acton Board of Selectmen
 Steve Ledoux, Acton Town Manager

Application Checklist

The following documentation must be filled out completely and accompany each application:

- ☐ Sustainable Development Principles Evaluation Self-Assessment Form.
- ☐ A cover letter from the developer outlining the scope of the proposed housing development including a narrative description of the approach to building massing, the relationship to adjacent properties, and the proposed exterior building materials. *no narrative*
- ☒ *X?* Evidence that a copy of the Housing Starts application package has been received by the Chief Elected Official in the municipality. In addition, please summarize any discussions with local officials regarding the proposed development site.
- ☐ A copy of the notification letter informing the Department of Housing and Community Development of the developer's submission of a project eligibility application to MassHousing.
- ☐ Evidence of site control in the form of a deed, purchase and sale agreement, or option to purchase. *\$ 700,000*
- ☒ *X* Broker opinion on projected sales prices for the market rate units.
- ☐ A locus map identifying the site within the plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site. If available through Google Earth, please provide an aerial photo of the proposed site.
- ☐ Detailed written directions to the location of the proposed site.
- ☐ Two copies of the preliminary site plan, appropriately scaled, depicting lot lines, existing streets and buildings, proposed building footprints, schematic elevations, parking areas, landscape features, open space areas, location of any wetlands and other relevant information. Also, please describe in detail the site and architectural design elements of the proposed housing and its relationship to existing development patterns.
- ☐ Two copies of a by-right site plan for submittal to the selected appraiser. This conceptual plan should show the highest and best use of the site under current zoning that does not require a variance or special permit.
- ☐ Preliminary architectural plans including typical unit floor plans showing bedrooms, bathrooms, square footage and overall unit layout.
- ☐ A non-refundable \$5,000 application fee, plus \$30 per unit of housing proposed, payable to MassHousing. (Once an appraiser has been selected by MassHousing and an appraisal fee quoted, an additional Non-refundable appraisal fee will be requested)
- ☒ *X* A letter of interest from a financial institution regarding the financing of the project.

The project eligibility application and additional documentation as described above should be sent to:

Michael Busby, 40B Project Coordinator
MassHousing
One Beacon Street
Boston, MA 02108
28th Floor

**MassHousing
Housing Starts
Project Eligibility Application**

GENERAL INFORMATION

1. Name of Development Residences at Lilian Road
2. Address of Site: 19 Bulette Road
3. City/Town: Acton Zip Code: 01720
4. Development Entity: College Street Management or its designated assignee
Name of Principle: David W. Nyberg
Street Address: 900 Chapel Street, Suite 701
City/Town: New Haven, CT Zip Code: 06510
Telephone: (203) 776-7770 Fax: (203) 848-2123
Email: david@collegestreetllc.com
Additional Contact: Daniel Campbell, PE
Street Address: Level Design Group, LLC, 60 Man Mar Drive, #12
City/Town: Plainville, MA
Telephone: (508) 695-2221 Fax: (508) 695-2219
Email: dcampbell@leveldg.com
5. Name of Consultant (if applicable): Daniel R. Hart, Hart Development Associates, LLC
Telephone: (617) 480-4175 Fax: (617) 507-2437
6. Type of Housing: Single-Family Detached X Condominiums
7. Unit Mix: Total Units 4 Affordable 1 Market 3
8. Anticipated source of construction financing: MassHousing X NEF Bank
9. Has the town previously reviewed any proposals to build on this site? If so, please explain.
Yes, the previous owner applied for a LIP in 2006
10. Is this an age-restricted (55+) development? Yes No X
1. Project Description: See attached

SITE INFORMATION

1. Total Acreage 1.9 Total Buildable Acreage 1.9

a. Density in units per total acre 2

b. Explain why the density is appropriate for the site See attached

2. Zoning District _____

	<u>Required</u>	<u>Proposed</u>	<u>Variance</u>
Minimum Lot Size			
Minimum Frontage			
Front Setback			
Side Setback			
Rear Setback			
Maximum Building Coverage			
Building Height			
Floor Area Ratio			
Parking			

3. Does any portion of the site contain wetlands?

Yes _____ No X If yes, how many acres are wetlands? _____

If yes, attach map of site noting wetland areas.

4. Is the site located within a designated flood hazard area?

Yes _____ No X

5. Are there any hazardous waste sites within the site or within a 1/2-mile radius of the site?

Yes _____ No X

a. How did you determine your answer?

Preliminary site assessment

b. If yes, provide additional documentation describing how you determined there was hazardous waste on the site and describe any action taken to address the hazardous waste on site.

Describe the prior uses of the subject site: Undeveloped land

a) Existing buildings on site? Yes X No If Yes, describe plans for these buildings:
Existing house will be subdivided and retained as a single family residence

7. Is the site or any building located on the site listed, nominated or eligible for listing on the National Register of Historic Places?

Yes No X

8. Is the site within a Historic District?

Yes No X

Site Control

1. Describe the current status of site control and attach copies of relevant executed agreements.

a.) Owned by Developer If yes, copy of deed will be required.

Was property acquired from a related party? No

b.) Under Purchase and Sale Agreement X

Seller: Joseph Pittorino Buyer: David W. Nyberg

? Is there an identity of interest between the parties? If yes, please explain:

Date of Agreement 07/27/09

Expiration Date 07/27/10

Extensions granted? Yes No X Date of Extension

(Please note that documentation that the buyer and seller have agreed to an extension, if applicable, will be required.)

Purchase Price \$ X

c.) Under Option

Seller: Buyer:

Is there an identity of interest between the parties? If yes, please explain:

Date of Agreement _____

Expiration Date _____

Extensions granted? Yes _____ No _____ Date of Extension _____

Purchase Price \$ _____

Project Information

Indicate which utilities are available to the site:

Public Sewer _____ Private Septic _____ **X** _____
Public Water _____ **X** _____ Private Wells _____
Natural Gas _____ Electricity _____ **X** _____

2. Is the site located near public transit (i.e., MBTA, Commuter Rail, T)? Yes _____ No **X** _____
If yes, please indicate specific type of transit and distance from the site.

3. Size of Development:

a.) Total Number of Units _____ **4** _____

b.) Number of Handicapped Accessible Units _____ **1** _____

c.) Number of Buildings _____ **4** _____

d.) Number of Stories in Buildings _____ **2.5** _____

4. Total gross square footage of building space: _____ **7,200** _____

5. Project Type:

a.) New Construction _____ **X** _____ b.) Rehabilitation _____ c.) Conversion _____

6. Construction Type:

Single-Family Detached _____ **X** _____ Townhouse _____ Other _____

7. Is this a Condominium development? Yes _____ **X** _____ No _____

If yes, estimated monthly condo fees: Market Units _____ **\$150** _____ Affordable Units _____ **\$100** _____

8. Type of Fuel:

a.) Natural Gas _____ b.) Oil X c.) Electric _____ d.) Other _____

Parking Spaces:

a.) # Enclosed 4 b.) # Outdoor 8 c.) # Per unit included in Sales Price 2

d.) # Spaces being sold 0 and Sales Price \$ 0

e.) # of enclosed spaces designated for the affordable units 1

10. Unit Mix: Complete the chart below

Unit Type	# of Units	# of BR's Per Unit	# of Baths Per Unit	Sq. Footage Per Unit	Sales Price Per Unit
Affordable	1	2	2	1,600	\$210,000
Market	3	3	2.5	1,800	\$400,000
Total	4	11	9.5	7,000	1,410,000

too high X

PRELIMINARY CONSTRUCTION BUDGET

Date Completed: 7/23/2009

- Please see attached

DEVELOPMENT ITEM	TOTAL COST	PER UNIT COST
------------------	------------	---------------

SITE ACQUISITION	\$ _____	\$ _____
------------------	----------	----------

HARD COSTS

Site Preparation

Landscaping

Residential Construction

Hard Cost Contingency

TOTAL HARD COSTS	\$ _____	\$ _____
------------------	----------	----------

SOFT COSTS

Permits/Surveys

Architectural

Engineering

Legal

Insurance

Security

Construction Manager

Property Taxes

Construction Loan Interest

Application/Financing Fees

Appraisal

Utilities

Accounting

Marketing & Commissions

Consultant

Soft Cost Contingency

TOTAL SOFT COSTS	\$ _____	\$ _____
------------------	----------	----------

TOTAL DEVELOPMENT COSTS	\$ _____	\$ _____
-------------------------	----------	----------

SALES REVENUE

Affordable

_____ x \$ _____ = \$ _____

Market

_____ x \$ _____ = \$ _____

TOTAL REVENUE	\$ _____
---------------	----------

PROFIT	\$ _____
--------	----------

PERCENTAGE PROFIT OVER TOTAL DEVELOPMENT COSTS _____ %

DEVELOPER/APPLICANT QUALIFICATIONS

1. **Prior Development Experience** – Please list the past development experience for each of the development team members on chart below. In addition, please identify any other 40B projects (whether with MassHousing or any other subsidizing agency) in which the applicant or a related party has or had an interest and, for each such project, state whether the construction has been completed and whether cost certification has been submitted (use additional sheets as necessary). *Please see attached

Development _____

Team _____

Members: _____

Project Summary	Project #1	Project #2	Project #3	Project #4
Project Name:				
Community/ Address				
Housing Type				
Number of Units				
Total Dev. Costs				
Yr Completed				
Specific Role				
Construction Lender Contact Name: Phone Number:				

2. **Applicant's Ownership Entity Information and Certification** – Please identify the applicant's proposed ownership entity, as well as the Managing Entities, Principals and Controlling Entities of each and certify the compliance and good standing of each with state law and affordable housing programs. Note: For the purposes hereof, "Managing Entities" include general partners of limited partnerships, managing general partners of limited liability partnerships, managers of limited liability companies, directors and officers of corporations, trustees of trusts, and other similar entities, which have the power to manage and control the activities of the applicant and/or proposed ownership entity. "Principal or Controlling Entities" shall include all persons and entities (e.g. natural persons, corporations, partnerships, limited liability companies ect.) who shall have the right to:

- (i) approve the terms and conditions of any proposed purchase, sale or mortgage;
- (ii) approve the appointment of a property manager; and/or

- (iii) approve managerial decisions other than a decision to liquidate, file for bankruptcy, or incur additional indebtedness.

Such rights may be exercisable either directly as a result of such person's role within the applicant's proposed ownership entity or its Managing Entities or indirectly through other entities that are included within the organizational structure of the applicant and/or proposed ownership entity and its Managing Entities. In considering an application, MassHousing will presume that there is at least one Principal or Controlling Entity. Any person or persons who have purchased an interest for fair market value in the applicant and/or proposed ownership entity solely for investment purposes shall not be deemed a Principal or Controlling Entity. (Use additional sheets as necessary.)

Name of Applicant: College Street Management or its designated assignee
Address: 900 Chapel Street, Suite 701 New Haven, CT, 06510
Contact Person: David W. Nyberg
Phone No. (203) 776-7770
Fax No. (203) 848-2123
E-Mail Address: david@collegestreetllc.com

List All Managing Entities of Applicant (use additional pages as necessary): * Please see the attached

List All Principals and Controlling Entities of Applicant and its Managing Entities
(use additional pages as necessary): * Please see the attached

List All Affiliates of Applicant and its Managing Entities
(use additional pages as necessary): * Please see the attached

Name of Proposed Ownership Entity: College Street Management or its designated assignee
Organization Type: To be formed limited liability company

Relationship to Applicant: _____

List All Managing Entities of Proposed Ownership Entity
(use additional pages as necessary):

List All Principals and Controlling Entities of Proposed Ownership Entity and its Managing Entities (use additional pages as necessary):

List All Affiliates of Proposed Ownership Entity and its Managing Entities
(use additional pages as necessary):

Certification

I hereby certify on behalf of the Proposed Ownership Entity, under penalties of perjury, that:

1. the information provided above for the Applicant Entities is, to the best of my knowledge, true and complete; and
2. each of the following questions has been answered correctly to the best of my knowledge and belief.

(a) Is there pending litigation with respect to any of the Applicant Entities?

☒ No

☐ Yes (attach explanation)

(b) Are there any outstanding liens or judgments against any properties owned by the Applicant Entities?

☒ No

☐ Yes (attach explanation)

(c) Have any of the Applicant Entities failed to comply with provisions of Massachusetts law related to taxes, reporting of employees and contractors, and withholding of child support?

☒ No

☐ Yes (attach explanation)

(d) Have any of the Applicant Entities ever been subject of a felony indictment or conviction?

☒ No

☐ Yes (attach explanation)

(e) During the last 10 years, have any of the Applicant Entities ever been a defendant in a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy?

☒ No

☐ Yes (attach explanation)

(f) Have any of the Applicant Entities failed to carry out obligations in connection with a Comprehensive Permit issued pursuant to M.G.L. c. 40B and any regulations or guidelines promulgated thereunder, including, but not limited to, completion of a cost examination and return of any excess profits or distributions?

☒ No

☐ Yes (attach explanation)

(g) Are the Applicant Entities current on all existing obligations to the Commonwealth of Massachusetts or any subdivision, agency, authority or instrument thereof?

☒ Yes

☐ No (attach explanation)

Daniel R. Hart
(print name)

(signature)

(date)

for CSM

[Handwritten signature]

11/22/09

Acton 408
Summary

Location	Acton
Project Type	Townhouse
Project Description	Development of a 4 unit TH development
No. of Units	4
No. of Market	3
No. of Affordable	1
Percent Affordable	25%
One BR	0
One BR + Den	0
Two BR	1
Two BR + Den	0
Three BR	3
Gross SF	7,368
Net SF	7,000
Efficiency	95.00%
Average Unit Size - Gross	1,842
Average Unit Size - Net	1,800
Range	1112-1690

Sources		Per Unit	Per GSF	Per NSF	%
Land Loan	\$ -	\$ -	\$ -	\$ -	0.00%
Construction Loan A	\$ 1,063,003	\$ 265,750.87	\$ 144.28	\$ 151.86	90.00%
Mezzanine	\$ -	\$ -	\$ -	\$ -	0.00%
Equity	\$ 118,111	\$ 29,527.87	\$ 16.03	\$ 16.87	10.00%
HOME/NHT	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 1,181,115	\$ 295,278.74	\$ 160.29	\$ 168.73	100.00%

Uses					
Acquisition	\$ 355,000	\$ 88,750.00	\$ 48.18	\$ 50.71	30.06%
Direct Construction	\$ 450,000	\$ 112,500.00	\$ 61.07	\$ 64.29	38.10%
Site & Infrastructure	\$ 50,000	\$ 12,500.00	\$ 6.79	\$ 7.14	4.23%
Misc. Construction & Contingency	\$ 45,000	\$ 11,250.00	\$ 6.11	\$ 6.43	3.81%
Soft Costs	\$ 177,000	\$ 44,250.00	\$ 24.02	\$ 25.29	14.99%
Developer OH	\$ 23,822	\$ 5,905.57	\$ 3.21	\$ 3.37	2.00%
Marketing & Sales Center	\$ 5,000	\$ 1,250.00	\$ 0.68	\$ 0.71	0.42%
Financing Costs	\$ 75,493	\$ 18,873.17	\$ 10.25	\$ 10.78	6.39%
Fee	\$ -	\$ -	\$ -	\$ -	0.00%
TDC	\$ 1,181,115	\$ 295,278.74	\$ 160.29	\$ 168.73	100.00%

Gross Sales	\$ 1,408,000
Commissions	\$ (70,400)
Closing Costs	\$ (8,320)
Net Sales	\$ 1,329,280

Gross Sales	\$1,408,000
Average Gross Sales	\$ 352,000
Average Gross Sales w/o Affordable	\$ 400,000

Per GSF	\$ 191.09
Per NSF	\$ 201.14
Per NSF w/o affordable	\$ 222.22

Range of Market Sales	\$400,000
Range of Market Sales/NSF	222

Investment	\$ 118,111
------------	------------

Profit	\$ 148,165
--------	------------

RoC	12.54%
RoE	125.45%

[illegible]



Revised: 2/1/06

SMART GROWTH CRITERIA SCORECARD

Project Name:
Project Number:
Review Agency:
Staff Member:
Program Name:
Date:

The Residences at Lilian Road	
	SA* <input type="text"/>
July 23, 2009	

*SA = Site Approval Number, if any

Prior to completing this form, please refer to the Massachusetts Department of Housing and Community Development's *Guidelines for Consistency with the Commonwealth's Sustainable Development Principles* ("Smart Growth Guidelines"). For a link to these Smart Growth Guidelines, please click the following link: [Smart Growth Guidelines](#)

DEVELOPER SELF-ASSESSMENT (for consistency with the Smart Growth Guidelines)

Method 1:

Redevelop First

Check "X" Below		
Yes	No	NA
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Rehabilitation:

- Rehabilitation/Redevelopment/Improvements to Structure
- Rehabilitation/Redevelopment/Improvements to Infrastructure

Check "X" below if applicable	
<input type="checkbox"/>	
<input type="checkbox"/>	

If New Construction:

- Contributes to revitalization of town center or neighborhood
- Walkable to:
 - (a) transit
 - (b) downtown or village center
 - (c) school
 - (d) library
 - (e) retail, services or employment center
- Located in municipally-approved growth center

<input type="checkbox"/>
X
X
X
X
X
<input type="checkbox"/>

Explanation (Required)

The Residences at Lilian Road is a 4-unit redevelopment of a parcel of land in Acton, MA. The location is suburban in nature and will provide additional housing opportunities to the residents of Acton and the surrounding communities. The site is proximate to the Boxboro Station as well as the Acton Boxboro High School.

X-CAA-SPAM: F00000
X-Authority-Analysis: v=1.1 cv=joUGuJQ7VrBJgpRg/7ToFM2pA3efOrDzS6eSzYZJ16E=
c=1 sm=1 a=BFmxWVKCJSUA:10 a=Na5Yms2_1osA:10 a=2Wi6P3aRFLVcQBZZUzviRg==:17
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a=2n0UnVRSch37rLVimnjh+g==:117
Resent-From: <achc@acton-ma.gov>
From: Lauren Rosenzweig <lrs57@comcast.net>
Subject: Lillian/Bulette Road Mass Housing Comments
Date: Thu, 15 Apr 2010 08:22:20 -0400
CC: <bos@acton-ma.gov>, Roland Bartl <rbartl@acton-ma.gov>,
<ACHC@acton-ma.gov>
To: Steve Ledoux <sledoux@acton-ma.gov>
X-Mailer: Apple Mail (2.1078)
X-pstn-neptune: 0/0/0.00/0
X-pstn-levels: (S:87.40356/99.90000 CV:99.9000 FC:95.5390 LC:95.5390 R:95.9108 P:95.9108 M:97.0282 C:98.6951)
X-pstn-cm-addresses: from <lrs57@comcast.net> (approved)
X-pstn-cm-addresses: from <lrs57@comcast.net> (approved)
X-pstn-settings: 5 (2.0000:2.0000) s cv gt3 gt2 gt1 r p m c
X-pstn-addresses: from <lrs57@comcast.net> forward (org good) [db-null]
X-pstn-attach-addresses: from <lrs57@comcast.net> (approved)
X-Auto-Response-Suppress: DR, OOF, AutoReply

Hi Steve,

At the site walk yesterday, Mr. Busby of Mass Housing said that he would grant the town of Acton an extension for comments on the application for a Comprehensive Permit through MassHousing Finance Corporation. The comment period would extend 30 days from the day we get the **full application**, which he said he would make sure he would send to us as soon as possible. He said they would also give us additional time beyond the 30 days if needed. (They said a full application was sent and they aren't sure why we didn't receive it.)

We expressed to Mass Housing that this site was not in line with our Comprehensive Permit Policy, and that we would send him a link to the report via e-mail. I believe Roland will be doing this--but this would be important for them to have to review.

I recommend that the Board at our next meeting(or in our next packet) be sent a copy of the **full application** for us to review and that each of us go out individually to look at the site. Janet Adachi and I went to the site walk with Mass Housing, Roland, the applicant's engineers, ACHC members, and neighbors on Wed. April 14th at noon.

We should also be sent comments from staff and relevant boards, including Board of Health's decision on septic system, Planning Director's Comments, engineering comments, and ACHC comments. If we could have this info for our May 10th meeting, by then each of the Selectmen will have had an opportunity to take the plans and walk the site and be better prepared to comment on a draft letter at that time.

Lauren

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

19 Bulette Rd/Lillian Rd. Proposed 40B development Lillian Residences

Site walk with MassHousing Finance Agency: Mike Busby and Greg Watson MHFA
Wednesday, April 14 at noon

List of concerns and questions identified by ACHC:

- Failure to provide a copy to the Town of Acton of the full filing including the MHFA application as required by 40B regulations.
- This 1.9 acre parcel is located at 19 Bulette Road with frontage on both Bulette and Lillian Rds. It contains an existing 5-BR single family home. The underlying zoning here is 2 acres per house lot. Subdivision of this property is not allowed, since it would create a non-conforming lot. Acton Zoning does not allow this. Therefore as presently configured, the development will be a 5 unit project, 4 new and one existing. That means 2 of the units must be affordable.
- A shared septic system is proposed using a homeowner association ownership arrangement. Our preference is a condo association to insure the proper maintenance of the system rather than individual financial responsibility. A shared septic system is uncommon in Acton. We were not provided with Board of Health comments but one of our committee members noted several errors on the plans.
- Stormwater drainage. There is a major concern in the neighborhood about run off, the neighborhood is built on a drumlin and all water flows down hill to and through this site. No storm water drainage system is proposed according to the engineer, there will be roof drains for the four houses but it is not clear where they will direct the water. There was significant flooding in the neighborhood during the recent heavy rain storms. No drainage plan was submitted and we were informed none would be provided.
- Parking and garage access is limited. Very tight turns into the garages would be required and no parking on the driveway. Parking on the cul de sac would inhibit access for emergency vehicles and school buses.

- The driveway on the site plan has problems on both access points. In one case, the driveway comes too close to the abutting property. On the other side, the driveway is located on privately owned property, there is no easement for this driveway location.
- There does not appear to be a survey done of the property and there is concern about the boundaries with the abutting properties and the Route 2 layout. That needs to be delineated. The development should not be allowed to encroach into the Rt. 2 layout.
- The placement of the houses around the leaching field is unattractive. They are out of scale with the neighborhood.
- ACHC is concerned about the doubling of the original number of units from 2 (3) to 4 (5) and would like an explanation. Does MHFA fund 2 (3) unit developments?
- The Town and ACHC need more time to prepare comments due to the lack of full information made available in time for the site walk

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

April XX, 2010

Michael Busby
40B Project Coordinator
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

Dear Mr. Busby,

The Acton Community Housing Corporation (ACHC) is the town board charged with facilitating affordable housing in the Town of Acton. This quasi-public body is a Selectmen-appointed board, created by a Home Rule petition in 1996. The role of the ACHC is to act as the Town's initial contact with developers of proposed affordable residential housing projects, which may be site-specific or exploratory. The developer normally presents to us a proposed housing plan, indicating unit design and size, related facilities, site planning and affordability and we work with him to shape the proposal to meet our community goals.

In 2006, the ACHC worked with the owner of this property to develop a conceptual plan for two single family homes that was compatible with the neighborhood density. However, the Board of Selectmen did not sign the application for the DHCD LIP (friendly 40B) project. They had concerns about the remote location and the significant concerns about drainage that had been raised by the abutters.

In October 2009, ACHC was contacted by Dan Campbell of Level Design Group, engineer for the property owner, to bring forth a revision of the original project. We were surprised to see a doubling of the density, four single family homes placed on one half of the 1.9 acre parcel. ACHC invited the abutters to hear the presentation. This resulted in many concerns being raised, many of them significant legal and design issues. Since October 2009, ACHC has not heard anything about this new proposal until the MHFA letter arrived in the Town on March 31, 2010. This development is called Residents at Lillian Road. ACHC has not received a copy of the application or site plans, the last iteration of plans was dated July 2009. The developer's name is also new to us, David Nyberg.

The ACHC is very disappointed to have the original plan changed from 2 to 4 units. We supported the 2 single family homes in 2006 because we felt they would fit into the neighborhood setting. We believe this proposed density is completely inconsistent with the neighborhood, the houses are too large, out of scale, and too close together. The layout is unattractive and there are a number of site plan and environmental issues. The following is a list of the major concerns we have identified.

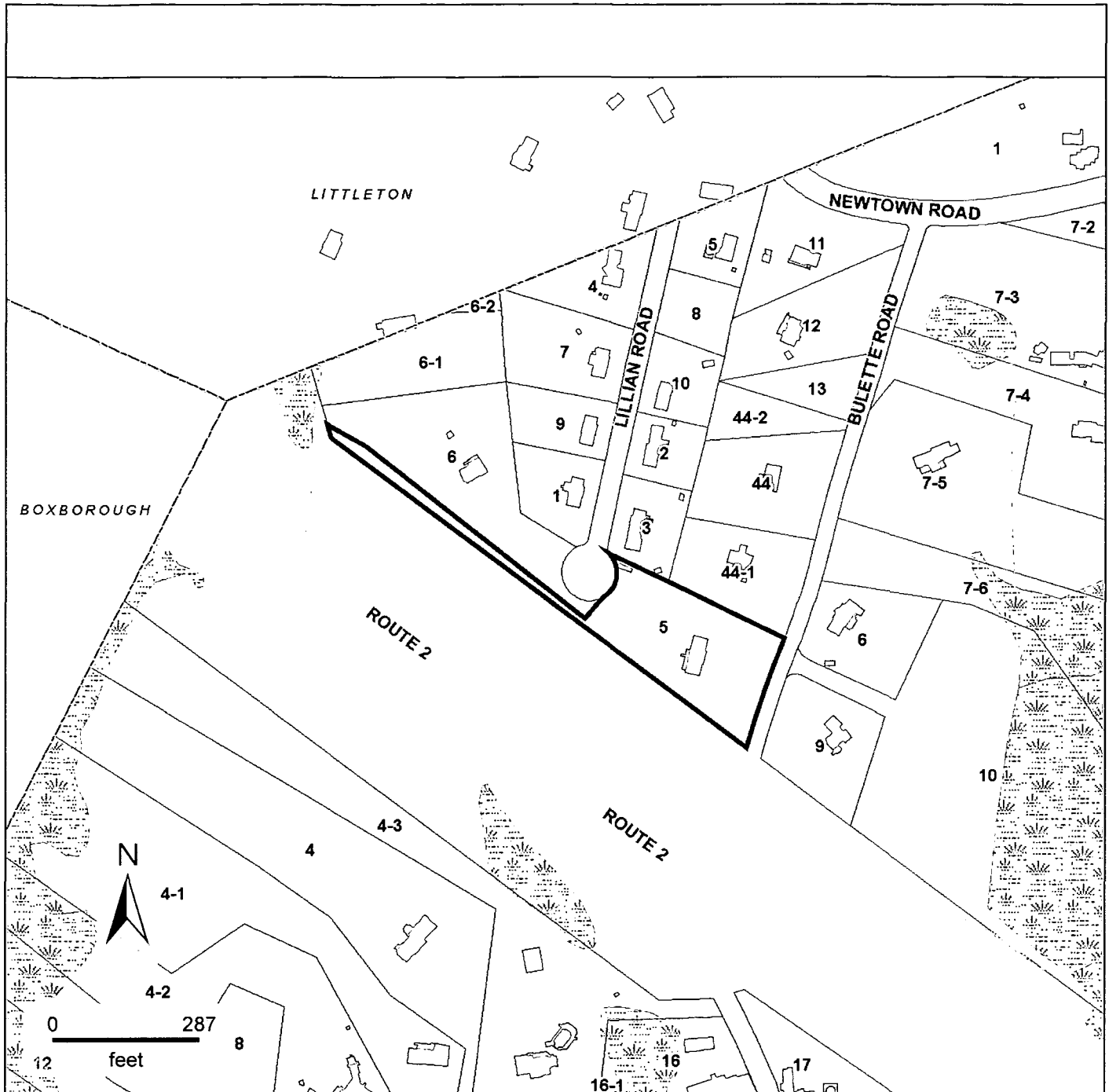
- This 1.9 acre parcel located at 19 Bulette Road, contains an existing 5-BR single family home on half of the parcel. Unless this parcel is going to be subdivided through the comprehensive permit process, the development will be a 5 unit project, 4 new and one existing. That means 2 of the units must be affordable. In order to subdivide, the existing house has to be placed on one acre, it cannot be less as it would become a non-conforming lot. This is not allowed in Acton.
- A shared septic system is proposed using a homeowner association ownership arrangement. Our preference is a condo association to insure the proper maintenance of the system rather than individual responsibility. A shared septic system is uncommon in Acton. We were not provided with Board of Health comments.
- Stormwater drainage. There is a major concern in the neighborhood about run off, the neighborhood is built on a drumlin and all water flows down hill to this site. No storm water drainage system is proposed, there will be roof drains for the four houses but not clear where they will direct the water. There was significant flooding in the neighborhood during the recent heavy rain storms. No drainage plan was submitted and we were informed none would be provided.
- Parking and garage access is limited. Very tight turns into the garages would be required. Parking on the cul de sac would inhibit emergency access and school buses.
- The driveway on the site plan has problems on both access points. In one case, the driveway comes too close to the abutting property. On the other side, the driveway is shown as on privately owned property, there is no easement for this driveway.
- The line-up of the houses around the leaching field is unattractive.

ACHC will hope to have members attend the site walk on April 14 and will raise these issues at that time. ACHC will take a formal position on this proposed development after the site walk.

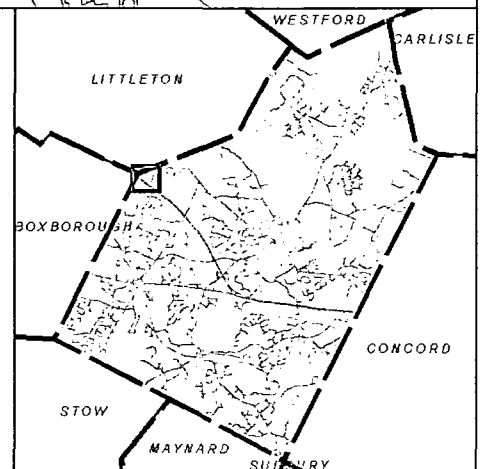
some errors in septic plan

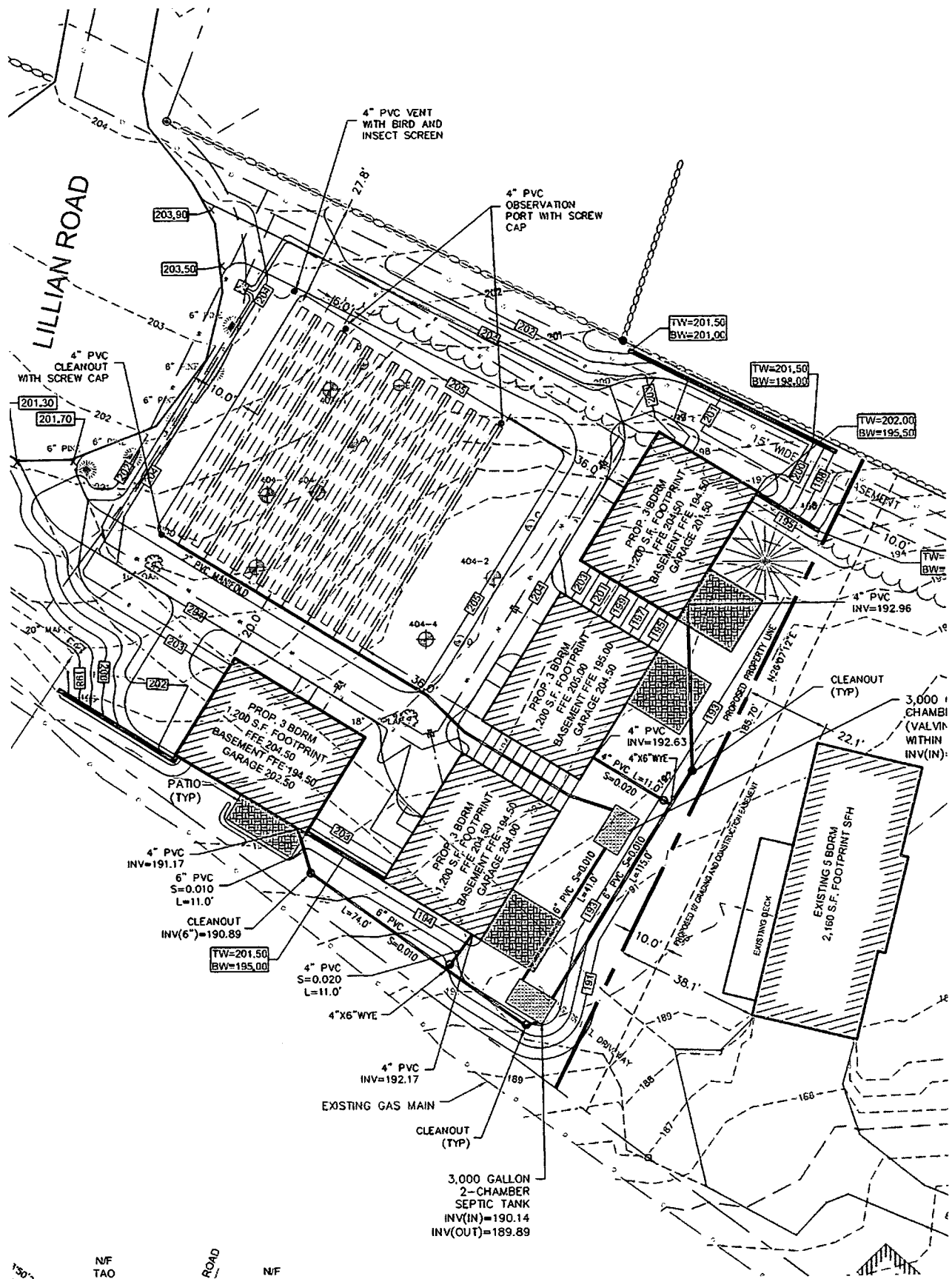
*Rt 2 line question
layout*

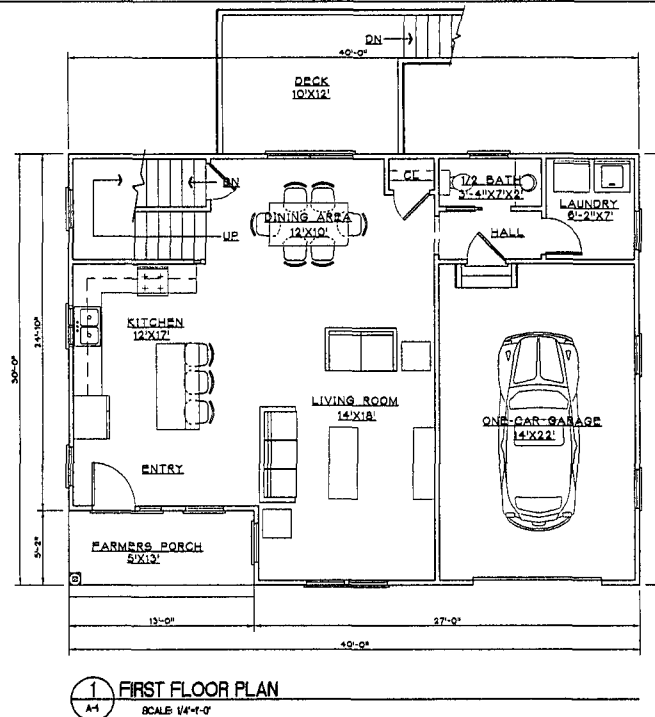
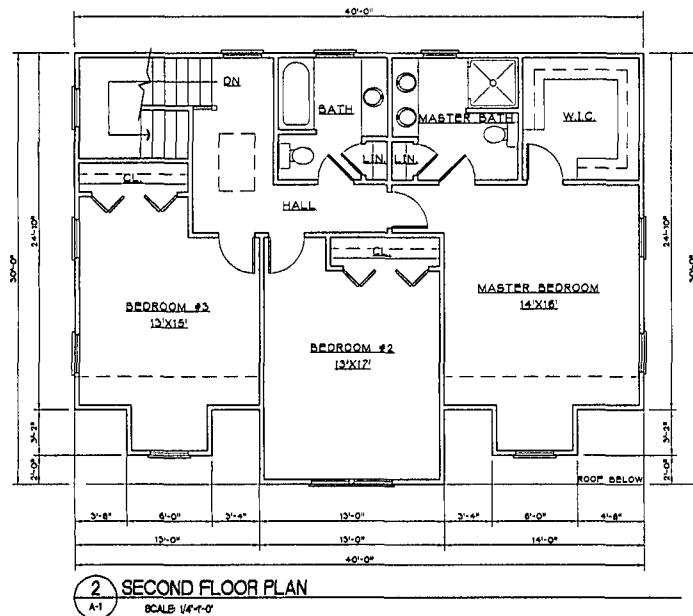
*Question about boundary lines no
survey?*

**Property Information****Property ID** D2-5**Location** 19 BULETTE RD**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This data set/map is for planning purposes only and should not be used for larger scale analysis. The Town of Acton shall not be held liable for any use of the data or images shown on this map, nor is any warranty of accuracy expressed. All uses of this data set/map are subject to field verification.







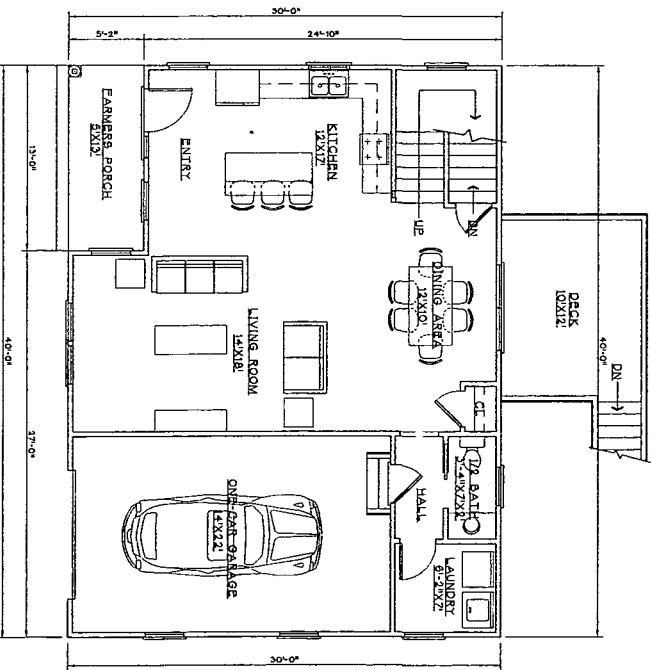
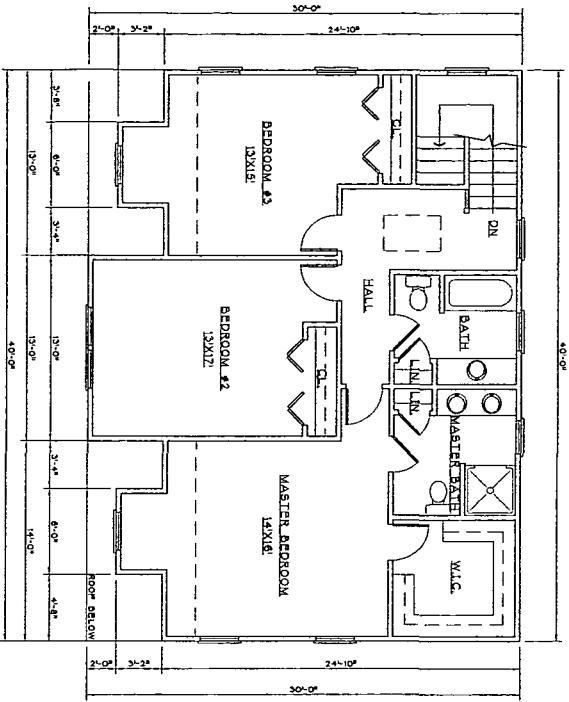
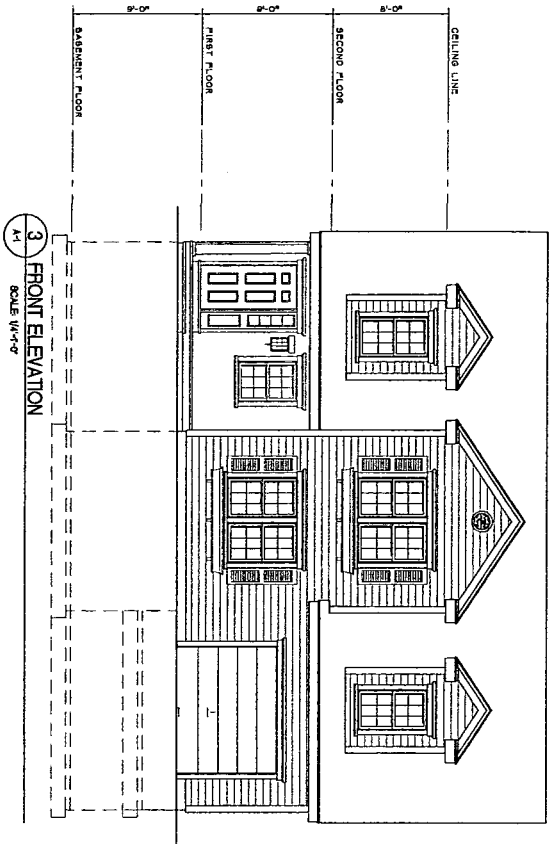
PITT CONSTRUCTION CORPORATION
19 BULETTE ROAD
ACTON, MA 01720

PROP. FLOOR PLANS & EXT. ELEV.

REVISIONS:

ISSUED FOR PERMITTING
ISSUED FOR PRICING
ISSUED FOR CONSTRUCTION
DATE 08-08-08
SCALE AS NOTED
DRAWN BY: CAQ
JOB NO.

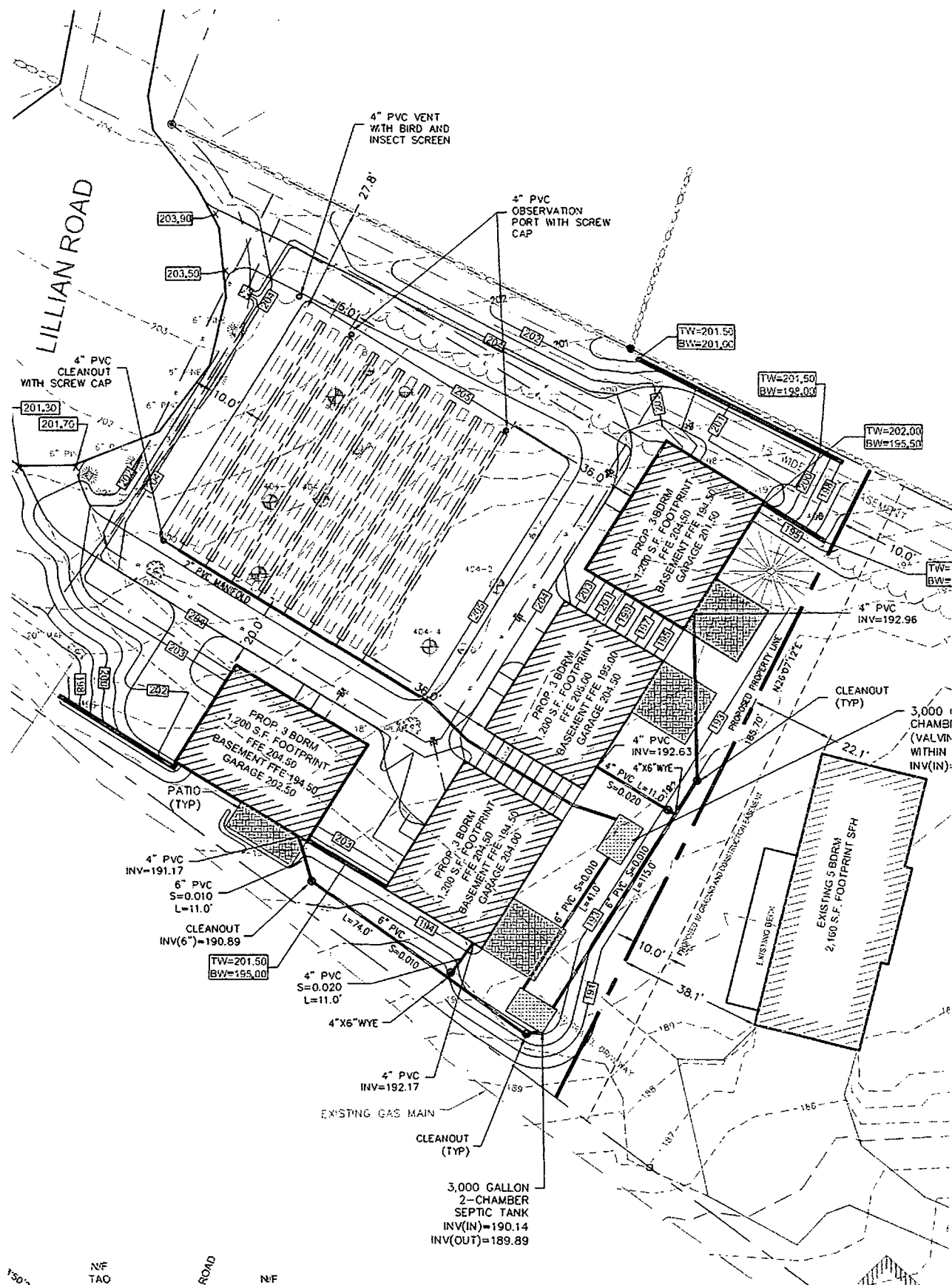
DRAWING NO:
A-1



PITT CONSTRUCTION CORPORATION
19 BULETTE ROAD
ACTON, MA 01720
PROP. FLOOR PLANS & EXT. ELEV.

REVISIONS:
1. ISSUED FOR PERMITTING
2. ISSUED FOR CONSTRUCTION
3. ISSUED FOR CONSTRUCTION
4. ISSUED FOR CONSTRUCTION
5. ISSUED FOR CONSTRUCTION
6. ISSUED FOR CONSTRUCTION
7. ISSUED FOR CONSTRUCTION
8. ISSUED FOR CONSTRUCTION
9. ISSUED FOR CONSTRUCTION
10. ISSUED FOR CONSTRUCTION

DRAWING NO. A-1



ACTON COMMUNITY HOUSING CORPORATION

Pursuant to notice given a Regular Meeting of the Acton Community Housing Corporation (ACHC) was held October 8, 2009 at 7:00 PM in room 126 of the Acton Town Hall. Present and constituting a Quorum for the purpose of conducting business were regular members Nancy Tavernier, Corrina Roman-Kreuze, Brent Reagor, and associate members, Jennifer Patenaude and Dan Buckley (designated voting members). Pat Clifford, FinCom liaison

Guests: Tao Jin, Peter Wojtkiewicz, Elinor Gentilman, Kristine Gatesman

Meeting called to order by Nancy Tavernier at 7:00PM

I. Approval of minutes of 9/24/09 as written. Nancy will be clerk for this meeting.

II. Financial report

No report due to absence of treasurer

III. Updates

Lalli Terrace

Buyers of three units have been approved. Housing Authority purchase of 2BR unit proceeding after RFP only attracted one response, the Lalli Terrace developer. ACHC will fund the purchase with \$100,000 from the Community Housing Program Fund and an additional \$40,000 from the Pulte Housing Fund, approved by the Selectmen previously. This unit will be used for the AHA's low income rental program.

Parker St. LIP

Application has been filed with DHCD and promised a quick turn-around. The developer intends to file for a comprehensive permit with the ZBA in a week or two in anticipation of quick DHCD approval.

Dunham Lane sewer bill

The over payment by the affordable unit owner has been resolved.

Faulkner Mill

The unit owner has been informed that ACHC will assist with getting a full electrical inspection of her unit, there have been no recent problems but she will schedule an inspection. A possible explanation for power outages are the easily tripped new circuit breakers but it raises the question of why this problem is only present in her unit.

V. Old Business

Willow Central landscaping

Thanks to the generosity of the Steinberg-Lalli Foundation, the lawn at Willow Central has been repaired and sprinklers installed. The condo association will maintain the lawn in the future and will share the cost of the new water service.

CPA requests for 2010

Members discussed Bob Van Meter's draft proposal for a Green Affordable Housing Incentive Fund. The proposal will need to be finalized for our Oct. 22 meeting since the deadline to submit it to the CPC is 11/9. Suggestions were discussed such as: should it be a pilot project of smaller scale to try out the concept? What are the marginal costs for comparison between a non-green unit and a green unit? It needs

more definition with specific examples and estimated costs e.g. geothermal energy. Would LEED compliance create approval and construction delays and red tape that might be a disincentive for developers? Should we try a lesser standard such as zero net energy?

It was suggested that Bob talk to Michael or Matt Rosenfeld at OMR Architects in West Acton Center since they do a lot of this work. They could give examples and costs. The potential for the Housing Authority to use these funds on Sachem Way or the 99 Parker St. development could be used as examples. The bottom line is the CPC will need more definition as to cost and uses for them to support the proposal.

Lillian Rd 40B, revised proposal

Nancy introduced the agenda item explaining to the new ACHC members and the audience how the MassHousing application process is different from the DHCD LIP process (Friendly 40B), preferred by ACHC. This project was originally a DHCD LIP project that ACHC recommended to the Selectmen in 2006 but the Selectmen did not sign the application due concerns about drainage and the location being too far out of town. The project is now back with the density doubled, no longer a LIP project, leaving the ACHC without leverage to make design and density revisions.

With a MassHousing project, the developer files an application directly with the MassHousing Finance Agency without any requirements to consult with ACHC or Town departments in advance. Once the application is filed, the agency is required to contact the Board of Selectmen which then triggers a 30 day review period by the agency including a site visit and a soliciting of comments from the Town. The Selectmen are contacted to submit comments, this step is very important and is the only time the Town (the Selectmen) has a chance to express concerns. Comments from other Boards should be requested by the Selectmen. The ACHC is not contacted directly by MHFA. Once the agency approves the project, it can then be filed with the ZBA and the Selectmen and Town Boards will be given a chance to make comments to the ZBA but that is much too late in the process if there are serious concerns.

Presentation of Plans:

Nick Facendola of Level Design presented the revised plans for Lillian Rd. that we had last seen in May in a smaller scope design. Nick explained that after discussions with MHFA, the approving state housing agency, the project has been increased from 2 units to 4 units on one acre. He stated that MHFA wants to see as many affordable units as possible in any given 40B and since they are the financing agency, this change was made. The developers want to maximize the development of the site, they want single family houses with a shared septic system, the septic capacity will limit the number of units. He showed us the layout which lines up the houses around the leaching field putting them as close as 15 feet from each other. Members were very surprised to hear that the developer has already filed the application with MHFA with the increased density. They have not yet had a response from MHFA. *(Update: According to a phone conversation on 10/15/09 with the Town Planner, MHFA has confirmed the application has not yet been filed.)*

Committee members had many concerns and questions:

1. **Septic System.** Shared septic systems are generally not looked on favorably by the Board of Health or DEP and there is only 1 other system in Acton. The septic design has been submitted to the BOH and is under review. A shared system does not require a condo association but rather a homeowners association which is not as strong. There is no super lien with a homeowners association and it can be much more difficult to control individual usage of the system and share the cost of pumping etc. The perc rate seems to be within the norm but it will have a mounded system as many systems on Lillian Rd. are mounded, some dramatically so. This system will have a single tank that collects effluent by gravity and then feeds it to a pump chamber for pumping up into the large mound.

2. Stormwater drainage. There is a major concern in the neighborhood about run off, the neighborhood is built on a drumlin and all water flows down hill to this site. No storm water drainage system is proposed, there will be roof drains for the four houses but not clear where they will direct the water.

3. A significant concern is with the existing house on the other end of the parcel. The plan is to divide it into a separate lot but it will be less than zoning allows (1 acre) for a house lot in this area and you are not allowed to create a non-conforming lot. (*This has been confirmed with the planning department*). The engineer stated they would use a 40B to create the new lot but Nancy pointed out then they would have to provide 25% of the units (one) as affordable that 40B did not exist to allow non-conforming lots to be created without an affordable housing component. The fear of the neighbors is the ultimate plan is to build 6-8 units on the entire site. The only way the existing house could stand alone would be as part of the whole 40B project making it a 5 unit development, in which case two units would have to be affordable as is the case with the Parker St. 40B.

4. Other committee concerns dealt with the tight turns into the garages, the limited parking on site, the high pressure gas line that is nearby, and emergency vehicle access in the cul de sac if people are parking there.

Abutter concerns:

1. Concern about runoff and groundwater on the abutting property on the uphill side that is already an existing problem. Concern that there is no drainage plan for an area with significant problems. The most significant concern is about how many units would ultimately be built on the site, that 6-8 units had been suggested previously by the developer.

2. An abutter on the Bulette Rd. side has similar run off issues with water flowing right through her property and also the Town Conservation Land entrance. She has drains all around her house and still has water problems. While she is not abutting the Lillian Rd. side, it is an example of the serious water problems.

3. An abutter expressed concern about parking in the cul de sac, that a school bus just barely makes the turn now and in the winter, it is very difficult to maneuver. Any cars parked there would result in blocking the bus or any emergency vehicles. The main driveway into the site goes within feet of another abutter's stone wall. The site would require Littleton water hook up and there are no hydrants on the plan.

4. Driveway on privately owned property. An abutter was concerned that one of the entry points for the driveway onto Lillian Rd. was on his property and there was no easement for that use. The engineer acknowledged that they could not find the easement and would have to reroute the driveway to loop within the site if it could not be worked out

Response from Facendola:

1. There is parking for 2 cars per unit, one in the garage and one in the driveway, overflow parking would go in the cul de sac, it is a public road.

2. MHFA will not allow more houses to be built than have been applied for. If the separate lot cannot be created, then the whole project will be a 40B.

3. They do not think a drainage plan is needed but they will look at it.

ACHC discussion:

Committee members are very disappointed to have the plan change from 2 to 4 units. The houses are 2400 sf and to have them so close together is not a good design and inconsistent with the neighborhood.

The original LIP project provided two single family homes on one acre, consistent with the existing homes on the street. The committee acknowledges the neighborhood's fear that the intent may be to build 6-8 units especially if MassHousing Finance Agency is pushing that density.

This is exactly the unintended consequences that ACHC has been warning about. Hostility toward affordable housing by elected and appointed officials in the community discourages developers from doing LIP's and pushes them to MassHousing where the Town has no leverage over density and design. This project was not even shown to ACHC at this density until this meeting, the plan is ready for filing.

The Committee directed the chair to communicate its displeasure to the BOS, telling them they should attempt to put a stop to this project by contacting MassHousing. We do not recommend this project in its current design and density. MHFA is required to contact the Town once the project is filed. ACHC also wants the BOS to know the neighborhood would like to be kept informed about the Town's activity with this project. ACHC has no standing, it is the Selectmen's responsibility. This reference is from the 40B regulations:

*(3) Review and Comment Process. **Upon receipt of the application, the Subsidizing Agency shall provide written notice to the Chief Executive Officer of the municipality where the Project is located, initiating a 30-day review period of the Project.** During the course of the review period the Subsidizing Agency shall conduct a site visit, which Local Boards may attend, and it shall accept written comments from Local Boards and other interested parties. The Subsidizing Agency shall consider any such comments prior to issuing a determination of Project Eligibility. No determination of Project Eligibility shall be issued for a Project before the end of the 30-day review period.*

Meeting adjourned at 8:45PM

Respectfully submitted,

Nancy Tavernier